



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 155

OFFICIAL REPORT
(HANSARD)

Thursday, June 18, 2015

The Honourable LEO HOUSAKOS
Speaker

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, June 18, 2015

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

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

June 18th, 2015

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 18th day of June, 2015, at 4:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

SENATORS' STATEMENTS

RAMADAN

Hon. Salma Ataullahjan: Honourable senators, today is the first day of the holy month of Ramadan. It was during this month that the Quran was first revealed.

Over one and a half billion Muslims worldwide will abstain from food and drink each day from dawn until dusk. Here in Ontario, this will be from around 3:00 in the morning to 9:00 in the evening — 18 hours a day. Those who are unable to fast are encouraged to give to charity.

Ramadan is a time for self-reflection, a time for contemplation and a time to reconnect with family and community.

Ramadan is also a time for charity. It is incumbent upon each Muslim to donate a portion of their savings to charity. During Ramadan, Muslims are encouraged to give generously.

Here in Canada, the impact of this charity is felt by local communities. Last week in Toronto, the Muslim Welfare Centre's Ramadan food drive provided enough food for 2,000 families to be fed for three weeks. I will be joining them this Saturday to distribute 600 of these food baskets.

Ramadan is a special time of year for all Muslims to look inward and focus on self-improvement. Through personal sacrifice, they develop patience, humility and spirituality.

Honourable senators, with over 1 million Muslims in Canada, we should be aware that a significant number of Canadians are celebrating Ramadan in this country. Join me in wishing them a happy and peaceful month. Ramadan Mubarak!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Governor General's Gallery of His Excellency Daeshik Jo, the newly named Ambassador of the Republic of Korea, accompanied by his wife, Mrs. Eunyoung Park. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

ROHINGYA MUSLIMS

Hon. Mobina S. B. Jaffer: Honourable senators, I too rise today to wish you all Ramadan Mubarak, and especially my brothers and sisters all across Canada. This is a very special day for all of us, a very special month for Muslims.

I also want to take this opportunity, honourable senators, to acknowledge our page Yves Dushimimana, who is originally from Kigali. He gets his Canadian citizenship today. He said to me that today will be his happiest day. Today he will be a Canadian, like all of us. I congratulate him.

Hon. Senators: Hear, hear!

Senator Jaffer: Honourable senators, I would like to introduce you to Hussein Ahmed. Hussein is a 12-year-old Rohingya boy from Myanmar. Three years ago his father was killed in an act of violence against the Rohingya Muslims. He has lived alone with his mother in a camp near Sittwe, trying to make basic ends meet — food and water are scarce and education is just a concept.

Hussein was recently approached by an unknown broker who convinced Hussein that he could earn money abroad that would support him and his mother. Eager to support his widowed mother, Hussein boarded a boat in hopes of a brighter future.

Sadly, Hussein's future was not as bright as expected. After months at sea in inhumane conditions, Hussein is displaced and looking for a home. Currently stationed at a temporary camp in Indonesia, Hussein spoke hopelessly about his future. He said:

I was born in Myanmar, but they don't want me. I tried to go to Thailand or Malaysia, but I can't go anywhere because they don't want me. I was a kid back home, but now I have to be a man. I am in a different country alone. It's up to God — whatever will happen next.

Hussein, at the tender age of 12, has no place to call home and is unsure if he will ever see his mother again.

Honourable senators, the story of Hussein is the fate of hundreds of thousands of Rohingya who are either facing deplorable conditions in camps in their native country of Myanmar, or who have escaped those conditions only to be stranded at sea or placed in temporary refugee camps in neighbouring countries such as Malaysia, Indonesia or Thailand.

The Rohingya are suffering atrocities and need help. To stimulate awareness and to encourage change, I will begin posting biweekly updates on my website and Facebook page under the heading "A Place to Call Home: The Plight of the Myanmar Rohingya." The posts will be dedicated to providing updates on the Rohingya crisis and sharing stories of the affected Rohingya. My hope in doing this is that we as a society can come together, motivate change and find a home for the Rohingya Muslims. I hope that Hussein and all the other children, husbands and wives who have been separated from each other can reunite with their families and live together in peace.

Honourable senators, I ask for your support of this mission. Together, let's create awareness, promote change and make sure that the Rohingya do find a home. Thank you very much.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the Governor General's Gallery of Phymean Noun Christov, founder of the People Improvement Organization in Cambodia. She is the guest of the Honourable Senator Enverga.

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

Hon. Senators: Hear, hear!

ÉMILIE ALLARD

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to Émilien Allard, the Dominion Carillonneur from 1975 to 1976. Born in Montreal 100 years ago on June 12,

Monsieur Allard began his lifelong musical career playing the clarinet in a band in Grand-Mère, Quebec. Moving to Trois-Rivières, he studied piano and music theory with J. Antonio Thompson and Father Joseph Gers-Turcotte.

• (1340)

He earned a licentiate diploma from the Conservatoire national de musique in Montreal where he started the organ and harmony. From 1946 to 1948, he attended the Beiaardschool in Mechelen, Belgium, where he studied with Staf Nees and Jef van Hoof. Earning a carillonneur diploma in 1948, he went on to the Conservatoire de Paris, studying conducting, orchestration and aesthetics.

In 1949, he was named the carillonneur at the renowned St. Joseph's Oratory in Montreal, where he remained for 20 years. Émilien Allard received many honours during his career, including the International Carillonneur's Prize at Mechelen.

In 1975, he was named Dominion Carillonneur and performed in our Peace Tower until he died a year later, in 1976.

Émilien was recognized by his carillon colleagues as one of the most gifted composers in North America for the instrument. He created more than 50 original works and 700 transcriptions, ranging from expressive religious settings and witty folk song arrangements to innovative abstract compositions.

In addition, over the decades, Radio-Canada broadcast his music for orchestra, piano, band and even animated film scores. He was admired as an outstanding performer as well. Indeed, in an article about St. Joseph's Oratory by Geoffrey Vandeville, Monsieur Allard is depicted as a celebrity in Montreal. He quotes *Le Petit Journal* as writing, "In holiday parades, he knows how to make the crowd sing and dance around a 11-bell carillon towed by a truck."

Although he only served as Dominion Carillonneur in the last two years of his life, his performances on the Peace Tower carillon were remarkable to the audience. Indeed, one Hill manager stopped him in the corridor of Centre Block one day with the request, "Mr. Allard, would you please not play pieces with too much virtuosity at the beginning of the afternoon? . . . Everyone in the office leaves their work and rushes to the windows to hear you better!"

On behalf of the Senate of Canada, we express our sincere thanks to Monsieur Allard and to other former Dominion Carillonneurs — Percival Price, Robert Donnell, Gordon Slater and our current Dominion Carillonneur, Dr. Andrea McCrady — for their superb musical renderings which ring out over Parliament Hill.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the Governor General's Gallery of a delegation from the Alpha Kappa Rho Society of Canada, led by Bernard Virtucio, Grand Skeptron and Board of Director. They are the guests of the Honourable Senator Enverga.

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

Hon. Senators: Hear, hear!

JOSÉ RIZAL

Hon. Tobias C. Enverga, Jr.: Honourable senators, I rise today to pay tribute to heroes — two heroes, in particular: one who has long passed away and one who is still very much alive and active with helping others. Both heroes are from Southeast Asia, and both heroes have sacrificed their own self-interest in pursuit of causes that benefit others.

Honourable senators, my first hero is a national hero of my country of birth, the Philippines. Tomorrow, June 19, marked the one hundred fifty-fourth anniversary of the birth of Dr. José Rizal, a man with unique abilities. He was a physician, a painter, a sculptor, a poet, a surveyor and a novelist. He was also a politician who championed universal education, human rights, democracy and protection by the law for all. He had a deeply rooted passion for the promotion of his language, Tagalog. It is with pride but also with sadness that people of Filipino descent all over the world remember this day.

Honourable senators, José Rizal founded the Liga Filipina, with its non-violent political agenda including integration of the Philippines as a province of Spain and representation for this province in the “Cortes,” the Spanish Parliament. In 1896, revolts erupted in several provinces around Manila. Although Rizal played no role, the Spanish military arrested him in Spain, convicted him to death by firing squad and executed him on December 30, 1896, in Manila.

PHYMEAN NOUN CHRISTOV

Hon. Tobias C. Enverga, Jr.: Honourable senators, in our galleries today we have the second hero. Mrs. Phymean Noun Christov was celebrated in a series called *CNN Heroes* on the International News Network and was named a hero in 2008 for her work in her country of birth, Cambodia.

In 2002, she quit her job and founded the People Improvement Organization, which opened at Phnom Penh’s largest municipal garbage dump. Her goal is to provide children in need with help and education to lift them out of their current lives — a life spent scavenging for metal and plastic on garbage dumps. She did this, inspired by children who tried to get nourishment from the chicken bones left over from her lunch. At present, her organization offers classes for over 1,000 children through three outreach centres and runs shelters that feed and provide training for children.

As she writes in her autobiography:

My life is connected to those children who need help . . . nobody wants to work on the garbage dump and sleep on the street. I feel very joyful and warm when I see the poor children happy.

I want to thank Phymean for being a hero and for her selfless work for children who do not have anyone to defend them and care for them. We wish you all the best as you continue to help the children who need it the most.

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the Governor General’s Gallery of our former colleague, the Honourable Vim Kochhar, accompanied by representatives from the Rotary Cheshire Homes, the Canadian Helen Keller Centre, the Canadian Deafblind Association, the Canadian National Deafblind Association, the Canadian National Institute of the Blind, the Centre Jules-Leger, the DeafBlind Ontario Services, and the Lions McInnes House. They are the guests of the Honourable Senator Martin, Senator Munson and Senator Fraser.

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

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

2014-15 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2014-15 Annual Report of the Office of the Public Sector Integrity Commissioner, pursuant to section 38 of the *Public Servants Disclosure Protection Act*.

SENATE ETHICS OFFICER

2014-15 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2014-15 annual report of the Senate Ethics Officer, pursuant to section 20.7 of the *Parliament of Canada Act*, R.S.C. 1985, c. P-1.

GLOBAL CENTRE FOR PLURALISM

2015 CORPORATE PLAN TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Corporate Plan 2015 of the Global Centre for Pluralism.

[English]

SAFE AND ACCOUNTABLE RAIL BILL

BILL TO AMEND—TWELFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 18, 2015

The Standing Senate Committee on Transport and Communications has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-52, An Act to amend the Canada Transportation Act and the Railway Safety Act, has, in obedience to the order of reference of Thursday, June 4, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON
Chair

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

Hon. Donald Neil Plett: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Plett, bill placed on the Orders of the Day for third reading later this day.)

• (1350)

[Translation]

RAILWAY SAFETY ACT

BILL TO AMEND—THIRTEENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 18, 2015

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-627, *An Act to amend the Railway Safety Act (safety of persons and property)*, has, in obedience to the order of reference of Monday, June 15, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON
Chair

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

Hon. Donald Neil Plett: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be placed on the Orders of the Day for third reading later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Plett, bill placed on the Orders of the Day for third reading later this day.)

[English]

STUDY ON POLICIES, PRACTICES, AND COLLABORATIVE EFFORTS OF CANADA BORDER SERVICES AGENCY PERTAINING TO ADMISSIBILITY TO CANADA

SIXTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Daniel Lang: Honourable senators, I have the honour to table, in both official languages, the sixteenth report of the Standing Senate Committee on National Security and Defence entitled: *Vigilance, Accountability and Security at Canada's Borders*.

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

STUDY ON THE MEDICAL, SOCIAL, AND OPERATIONAL IMPACTS OF MENTAL HEALTH ISSUES AFFECTING SERVING AND RETIRED MEMBERS OF THE CANADIAN ARMED FORCES AND THE SERVICES AND BENEFITS PROVIDED TO MEMBERS AND THEIR FAMILIES

SEVENTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the seventeenth report, interim, of the Standing Senate Committee on National Security and Defence entitled: *Interim Report on the Operational Stress Injuries of Canada's Veterans*.

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

[Translation]

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

TWENTY-THIRD REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 18, 2015

The Standing Senate Committee on National Finance has the honour to present its

TWENTY-THIRD REPORT

Your committee, to which was referred Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures, has, in obedience to the order of reference of Wednesday, June 17, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

Joseph A. Day
Chair

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

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

[English]

STUDY ON USE OF DIGITAL CURRENCY

TWELFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Irving Gerstein: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Digital Currency: You Can't Flip this Coin!*

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

CRIMINAL CODE

BILL TO AMEND—THIRTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

Thursday, June 18, 2015

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

THIRTY-SECOND REPORT

Your committee, to which was referred Bill C-35, An Act to amend the Criminal Code (law enforcement animals, military animals and service animals), has, in obedience to the order of reference of Wednesday, June 17, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

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

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

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-61, An Act to amend the Canada National Marine Conservation Areas Act.

(Bill read first time.)

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

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave, later today.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, bill placed and the Orders of the Day for second reading later this day.)

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

Hon. Carolyn Stewart Olsen introduced Bill S-234, An Act to amend the Food and Drugs Act.

(Bill read first time.)

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

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

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL CONFERENCE OF NEW ENGLAND
GOVERNORS AND EASTERN CANADIAN PREMIERS,
JULY 13-15, 2014—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Thirty-eighth Annual Conference of New England Governors and Eastern Canadian Premiers, held in Bretton Woods, New Hampshire, United States of America, from July 13 to 15, 2014.

CANADIAN/AMERICAN BORDER TRADE ALLIANCE
CONFERENCE, MAY 3-5, 2015—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Canadian/American Border Trade Alliance Conference, held in Ottawa, Ontario, Canada, from May 3 to 5, 2015.

• (1400)

CANADIAN NATO PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF THE NATO PARLIAMENTARY
ASSEMBLY, NOVEMBER 21-24, 2014—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Sixtieth Annual Session of the NATO Parliamentary Assembly, held in The Hague, Netherlands, from November 21 to 24, 2014.

PARLIAMENTARY TRANSATLANTIC FORUM, DECEMBER 8-9, 2014—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Parliamentary Transatlantic Forum, held in Washington D.C., United States of America, from December 8 to 9, 2014.

JOINT MEETING OF THE DEFENCE AND SECURITY, ECONOMICS AND SECURITY, AND POLITICAL COMMITTEES AND OFFICERS OF THE COMMITTEE ON THE CIVIL DIMENSION OF SECURITY AND THE SCIENCE AND TECHNOLOGY COMMITTEE, FEBRUARY 14-16, 2015—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Joint Meeting of the Defence and Security, Economics and Security, and Political Committees and Officers of the Committee on the Civil Dimension of Security and the Science and Technology Committee, held in Brussels, Belgium, from February 14 to 16, 2015.

MEETING OF THE STANDING COMMITTEE, MARCH 20-21, 2015—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Meeting of the Standing Committee, held in London, United Kingdom, from March 20 to 21, 2015.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

ELECTION OBSERVATION MISSION,
MAY 2-10, 2015—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association regarding its Election Observation Mission to Exeter, Glasgow East, Watford and Wirral West, United Kingdom, from May 2 to 10, 2015.

WORKSHOP ON PARLIAMENTARY CODES OF
CONDUCT, APRIL 8-10, 2015—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association respecting its participation at the Workshop on Parliamentary Codes of Conduct, held in Melbourne, Australia, from April 8 to 10, 2015.

**CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

ANNUAL MEETING OF THE ASIA-PACIFIC
PARLIAMENTARY FORUM, JANUARY 12-15, 2014—
REPORT TABLED

Hon. Victor Oh: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association and Canada-Japan Inter-Parliamentary Group respecting its participation at the Twenty-Second Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Puerto Vallarta, Mexico, from January 12 to 15, 2014.

[Translation]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
DEPOSIT REPORT ON STUDY OF INTERNATIONAL
AND NATIONAL HUMAN RIGHTS OBLIGATIONS WITH
CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study to monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations 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.

[English]

**ROUNDTABLE ON THE SOUTH-CHINA SEA
TERRITORIAL DISPUTE**

DOCUMENT TABLED

Hon. Thanh Hai Ngo: Honourable senators, last Tuesday I called 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. I do not plan to speak extensively on this inquiry at the moment. I will speak to it more fully when it is appropriate.

Honourable senators, in the meantime I ask, with leave of the Senate, to table a document with the details of the results of the roundtable's work.

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

Hon. Senators: Agreed.

[Translation]

QUESTION PERIOD

TRANSPORT

CANADA POST—OFFICIAL LANGUAGES SERVICES

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate, Senator Carignan. I would like to return to the issue of Canada Post. Yesterday, I asked you a number of questions to which you gave virtually the same answer:

Canada Post is an independent agency that makes its own decisions and is subject to the Official Languages Act. We expect Canada Post to fully comply with the Official Languages Act.

That was your answer. I would like to add, leader, that Canada is a democracy with federal institutions that have responsibilities, are accountable and must comply with Canadian laws. If Canadian laws are broken, the federal government has a duty to enforce compliance.

The post office in Saint-Norbert, Manitoba, is going to lose its bilingual designation. Yesterday, I learned that Canada Post plans to strip the bilingual designation from 10 postal outlets, including the one in Saint-Norbert. Canada Post forwarded a memo that says, and I quote:

The results of the 2011 Census show that Canada Post must adjust its services . . .

The results of the 2011 Census.

. . . Accordingly, Canada Post will be removing the bilingual designation of 10 postal outlets.

The memo also states, and again I quote:

The Crown corporation will begin consulting official language minority communities on June 8, 2015.

I was very pleased to hear that. However, the memo states the following:

After consultation with those communities, Canada Post will begin the process of removing the bilingual designation of the postal outlets in question.

That is not consultation. It is simply a question of informing the residents that the decision has already been made.

I would like to come back to the question of services. Given that Canada Post is basing these decisions on the 2011 Census, I can honestly say that the number of francophones in the communities

in question does not warrant bilingual service. Why? Because we are using a definition that does not cover all francophone citizens. It is an exclusive definition and the rules are unfair and outdated. According to the federal government's definition, a francophone is someone who speaks French and who was born into a Canadian family where both parents are also francophone.

In Manitoba, like everywhere else outside Quebec, there are immigrants who speak French, but they are not included in that definition. There are children known as "les ayants droit," children of exogamous couples who do not fit that definition. I received a message from British Columbia this morning commending the success of the immersion program and the 10,000 students across British Columbia, some of whom were the first to win a French public speaking competition. All of these children from the French immersion school network do not fit the federal government's definition for counting the number of francophones. Why are we taking services away from them? Half of our young people are not being included in that definition.

Leader, what do you think about this situation? Is it not unfair for francophones outside Quebec?

Hon. Claude Carignan (Leader of the Government): You raised a number of questions that you yourself answered. I do want to point out that Canada Post has started consultations with national associations representing official language minorities to hear their thoughts. We invite anyone who has comments or questions to contact Canada Post directly.

Senator Chaput: I recently read in a Manitoba weekly that the Minister of Transport, Lisa Raitt, who is responsible for the Canada Post Corporation — don't forget that; yesterday you didn't mention that there was a minister — stated, and I quote:

We take the matter of the provision of services in both official languages very seriously, and I will bring up the matter with Canada Post.

• (1410)

Leader, are you prepared to contact Minister Lisa Raitt, who is responsible for Canada Post, and share the concerns that I raised yesterday and today? Are you prepared to talk to her about them?

Senator Carignan: You can see that the minister is being proactive. She is already responding to the concerns that you raised.

Senator Chaput: Yes, but it would help a lot if you spoke to her to share my concerns, which are very well founded. Are you prepared to do that? Are you saying that you do not want to, that you are not prepared to do so, or that you do not think it is necessary?

Senator Carignan: In your question, you quoted a newspaper article where Minister Lisa Raitt said that she would share your community's concerns with Canada Post. It seems to me that the minister is being proactive on this.

[Senator Chaput]

Hon. Claudette Tardif: Leader, the Treasury Board and the Department of Canadian Heritage are responsible for ensuring compliance with the Official Languages Act. Every year, certain organizations have to submit a report to the Treasury Board or the Department of Canadian Heritage on the results of their activities to implement Parts IV to VII of the Official Languages Act.

In its 2011-12 report, Canada Post indicated that it did not have clear performance objectives with regard to the implementation of Parts IV to VII of the act, it did not assess whether employees were able to work in their official language of choice and it did not require that meetings be held in employees' official language of choice. Why does the government not follow up with Canada Post on the report that it submitted to the Treasury Board and the Department of Canadian Heritage? Why is there no follow-up to ensure that Canada Post meets its language obligations?

Senator Carignan: Senator, as I said, Canada Post is an independent Crown corporation that is subject to the Official Languages Act. We expect it to comply with the Act.

Senator Tardif: That is not true, leader because you receive the report that is sent to the Treasury Board and the Department of Canadian Heritage. Under performance criteria, it states: not very often, very little. You get those reports. What do you do with them?

Senator Carignan: We expect Canada Post to comply with the Official Languages Act.

Senator Tardif: And if it doesn't?

Senator Carignan: We expect Canada Post, which is an independent corporation, to comply with the Official Languages Act.

Senator Chaput: In light of your response to our honourable colleague, we francophones in minority communities will have to wait a long time to get the services we are entitled to, to get justice, and to achieve recognition for the face of the Canadian francophonie. In the meantime, Canada Post can continue not meeting its obligations, not complying with the Official Languages Act, and the government will wait. I'm sorry Senator Carignan, but I find that unacceptable.

Senator Carignan: I hear what you are saying, senator, but as I said, Canada Post is an independent organization that is subject to the Official Languages Act and we expect it to fully comply with the Act.

[English]

ENVIRONMENT

CLIMATE CHANGE STRATEGY

Hon. Grant Mitchell: Honourable senators, I would like to talk about the Pope's pronouncements on climate change. They are a startling, profound and powerful call to action for the world. In

his much-awaited encyclical on the environment, Pope Francis said that global warming could cause unprecedented environmental destruction, is mainly caused by human activity, and presents an urgent need to lower carbon emissions through reduced use of fossil fuel. Could the Leader of the Government in the Senate explicitly say that yes, his government accepts this observation.

[Translation]

Hon. Claude Carignan (Leader of the Government): As you know, our government was the first to reduce greenhouse gas emissions, and we did so while protecting the Canadian economy and Canadians' jobs. In 2013, Canada reduced its greenhouse gas emissions by 3.1 per cent and the Canadian economy grew by 12.9 per cent over 2005 levels.

In 2012, Canada was the first major coal user to prohibit the construction of conventional coal-fired power plants. Coal is the greatest source of greenhouse gases in the world. Canada produces less than two per cent of greenhouse gases. By comparison, the coal sector in the United States produces more greenhouse gases than all of Canada.

We will keep working to reduce greenhouse gas emissions while protecting the Canadian economy and jobs.

[English]

Senator Mitchell: The Pope goes on to write that a “very solid scientific consensus indicates that we are presently witnessing a disturbing warming of the climatic system,” contributing to a “constant rise in the sea level” and an “increase of extreme weather events.”

This government has muzzled our environmental scientists. I wonder whether the Leader of the Government in the Senate could talk to the Prime Minister and say, “Would it be all right if our government environmental scientists talked explicitly and publicly about what they really felt about climate change?”

[Translation]

Senator Carignan: Senator, our government was the first in Canadian history to reduce greenhouse gas emissions, and we did so while protecting Canadians' jobs and our economy.

[English]

Senator Mitchell: The Pope argues that there is “an urgent need” to develop policy so that in the next few years the emissions of carbon dioxide and other highly polluting gases can be drastically reduced.

The Prime Minister made the remarkable statement that he might get something done by the year 2100. That's 85 years from now. How do you square the next few years with the Prime Minister's desire to wait 85 years to solve the problem?

[Translation]

Senator Carignan: Senator, as you know, Canada participated in the G7 meeting that resulted in a clear, unanimous statement on climate change. Canada officially announced its target, known as the Intended Nationally Determined Contributions, to the United Nations Framework Convention on Climate Change. This equitable and ambitious target is in line with those of other major industrialized nations and reflects our country's circumstances, particularly our position as a global leader in clean energy production.

Canada will continue to take coordinated measures with its trade partners, especially the United States, targeting integrated sectors of the economy, including energy and transportation. As I said, we are the first government in Canadian history to record a net reduction in greenhouse gases, and we did it without imposing a carbon tax or job-killing strategies like those proposed by the Liberals and the NDP.

[English]

Senator Mitchell: How is it that this government can continue to say it's taking aggressive action against climate change when it will not even accept the request by Steve Williams, President and Chief Executive Officer of Suncor Energy, the largest oil company in Canada and a huge producer of oil sands oil, when he asks explicitly for a carbon tax?

• (1420)

Why wouldn't a government who you claim, Mr. Leader, has a desire to act aggressively about this important problem not even listen to the CEO of the largest oil company in the country when he asks for a carbon tax on fossil fuels and fossil fuels produced in the oil sands? How can that be?

[Translation]

Senator Carignan: Senator, it's by taking meaningful action and obtaining positive results such as those that I told you about earlier. We will continue to work with the other major industrial nations in order to achieve the targets that were established, especially those set at the last G7 meeting.

[English]

THE SENATE

ORDER PAPER QUESTIONS—REQUEST FOR ANSWERS

Hon. Percy E. Downe: As the days wind down in the session, can we anticipate any answers to the written questions that are the Order Paper?

[Translation]

Hon. Claude Carignan (Leader of the Government): We keep the record of written questions up to date and we try to reply as quickly as possible. If there are specific questions you would like

answered, I would ask you to send them to my personal email, carignan2@sen.parl.gc.ca. I will answer your questions as quickly as possible.

[English]

Senator Downe: Thank you for that, but I'll make it easy for you. For any question that's been on the Order Paper more than a year, it would be appreciated to have an answer.

[Translation]

Senator Carignan: You are casting a wide net, but we will do everything we can to answer as quickly as possible.

[English]

ORDERS OF THE DAY

SAFE AND ACCOUNTABLE RAIL BILL

BILL TO AMEND—THIRD READING

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

He said: Honourable senators, I rise today to speak to Bill C-52, the Safe and Accountable Rail Act. I would like to voice my appreciation to the Senate for granting leave to move this forward.

The tragedy at Lac-Mégantic was an important turning point and underscored the risks associated with transporting dangerous goods by rail. I am proud of how our government moved quickly to introduce measures to help prevent such accidents from occurring again. Over the long term, however, there will always be an element of risk in the transportation of dangerous goods. The goal we are facing is to reduce that risk as much as possible and, at the same time, put in place a third party liability and compensation regime that will address the costs in the event of an accident.

I remind honourable colleagues that the government initiatives to address these issues began within days of the tragedy and they have been building steadily over the past two years. In fact, the bill before us brings together many of the elements that have been the subject of considerable study in the wake of Lac-Mégantic. The end result, colleagues, is to make the transportation of dangerous goods by rail safer, to make railways more accountable, to improve the communication among those responsible for responding to emergencies and to make the liability and compensation regime more robust and able to respond to disasters of this magnitude.

[Senator Carignan]

Bill C-52 amends both the Railway Safety Act and the Canada Transportation Act. It strengthens the regulatory regime under the Railway Safety Act by giving the Minister of Transport new and broader powers to intervene in the interests of safety. The minister will have new authority with respect to safety management systems. The minister will also be able to order a company to take corrective measures should the implementation of the SM risk compromising safety. If the minister considers it necessary in the interests of safe railway operation, the minister will also be able to order any company, road authority or municipality to stop an activity that constitutes a threat to follow a particular procedure or take a corrective action, including the construction, alteration, operation or maintenance of a railway work.

As well as strengthening the authorities of the Minister of Transport, this bill gives new powers to Transport Canada's railway safety inspectors. Currently, there are four specific situations in which an inspector can issue a notice to a railway company for a threat to safety. With this bill, the inspectors will be able to intervene if there is any threat or immediate threat to safety, not just threats within the parameters of the four situations. Moreover, the inspectors will be able to order specific measures to be taken that would mitigate the threat.

The bill provides a framework where municipalities will be able to receive information that will help them guide first responders in an emergency. Under this bill, municipalities will be able to apply to the Canadian Transportation Agency to seek compensation for the costs of responding to fires caused by railway operations.

I would be remiss if I did not mention another amendment to the Railway Safety Act that was the subject of a substantial amount of discussion at committee. That is the issue of fatigue management. As a result of a series of amendments made to the Railway Safety Act in 2012, which came into force in May 2013, many changes were brought to the regulation-making authorities related to safety management systems. The addition of the principle of fatigue science as it relates to the scheduling of employees was part of those changes. New safety management system regulations were developed as a result. The regulation-making authority allows the Governor-in-Council to make regulations respecting the components of the SMS, including the principle of fatigue science applicable to scheduling that must be included in a safety management system. This definition of fatigue science means a scientifically based, data-driven and systematic method used to measure and manage human fatigue. Under the new regulations, the principle of fatigue science applicable to scheduling was found to be too restrictive and limited what could be required by railway companies with respect to policies or procedures regarding the management of employee fatigue.

As the definition of fatigue science restricted the regulation-making authorities, the amendments proposed to remove it completely and instead include the criteria within the SMS regulation-making authority in the section of the Railway Safety Act related to the management of employee fatigue. This will allow the SMS regulations to include broader and more comprehensive requirements with respect to employee fatigue-related issues.

Mr. Phil Benson, from Teamsters Canada, raised concern about the removal of the definition of fatigue science. However, he stated clearly that given the timeline and the importance of this bill, he would not recommend any amendments.

At the following meeting, we had the opportunity to ask the minister about these provisions and, in her view, the existing definition was restrictive and difficult to enforce. The minister acknowledged the government's role in assisting in fatigue management, stating:

... frankly ... we want to do all we can to help in terms of managing fatigue in all our modes.

Colleagues, let me turn to the amendments to the Canada Transportation Act. These strengthen the rail liability and compensation regime by enhancing insurance coverage required for railway companies that carry dangerous goods, particularly short-line railways, and creating a supplementary, shipper-financed fund for accidents involving crude oil. This bill will establish four minimum levels of railway insurance coverage based on the risks related to transportation of certain types and volumes of dangerous goods. They range from \$25 million for short-line railways that carry limited or no dangerous goods to \$1 billion for railways transporting substantial volumes of specified dangerous goods, namely Class 1 railways.

Short-line railways transporting larger quantities of dangerous goods will initially be required to hold either \$50 million or \$125 million in insurance. After one year, those levels will increase to \$100 million and \$250 million, respectively.

• (1430)

Phasing in these requirements will provide short-line railways with sufficient time to adjust to higher insurance requirements.

It is important to emphasize that these are per-incident requirements and not aggregate. This means that a railway must hold its minimum level of insurance at all times. The Canadian Transportation Agency will assign federally regulated railways to the applicable minimum insurance level based on the criteria established in the legislation when issuing certificates of fitness.

The agency will also have the authority to ensure the railway is maintaining the appropriate level of insurance. Under the bill, the railway must notify the agency of any operational changes that would require it to hold a minimum level of insurance — for example, carrying greater volumes of different types of dangerous goods. An administrative monetary penalty of \$100,000 can be imposed for non-compliance with these requirements. Furthermore, the agency would have to suspend or cancel the railway's certificate of fitness if the railway's insurance was found to be inadequate.

The enhanced insurance levels are expected to cover the full cost of the vast majority of potential rail accidents. But as we saw at Lac-Mégantic, accidents involving dangerous goods — in that case, crude oil — could lead to large-scale losses that surpass

enhanced insurance levels. It should not be up to the public to cover these costs. That is why this bill creates a second tier of compensation for accidents involving crude oil. For crude-oil accidents, any cost beyond the railway's minimum insurance levels would be covered by the fund for railway accidents involving designated goods introduced in this bill.

Focusing on crude oil responds directly to the Lac-Mégantic accident and to concerns about the increasing volumes of oil being transported via rail through many communities and across great distances.

However, the bill provides authority to expand by regulation the fund to include other goods in the future. The fund will be financed by shippers through a per-tonne levy on crude oil transported by federally regulated railways. Railways will be responsible for collecting the levy from shippers and remitting it in a special account of the Consolidated Revenue Fund on a quarterly basis. Railways will be required to keep records concerning the levy, with administrative monetary penalties of \$100,000 if they fail to do so.

This two-tier regime for crude-oil accidents will give potential victims more certainty regarding their compensation claims, and it will protect taxpayers from having to cover the excess liabilities. This is in accordance with the polluter-pays principle, an approach that our government believes is essential for protecting the taxpayer from undue liability.

With respect to the rail, the polluter-pays principle means that those responsible for causing damage as a result of their operations should pay for their liabilities, not the taxpayer. In this case, as responsibility for a railway accident rests first with the railway, the bill would establish minimum mandatory insurance levels that take into account the potential severity of accidents. These measures allow liability for rail accidents to be shared between railways and shippers and will result in a significant increase in the resources available to industry to pay for damages in the event of an accident.

As Bob Ballantyne, President of Freight Management Association of Canada, stated at committee:

... a cornerstone of the government's approach to liability and compensation regimes in other modes and sectors is the polluter-pays principle. FMA agrees with the government that this is a fundamental cornerstone of the third-party liability and compensation regime and is in line with long-standing legal principles that have been confirmed by the courts over time. Bill C 52 appears to follow that principle.

Second, shippers, especially those that produce and ship dangerous goods, carry appropriate amounts of insurance and are prepared to live by the polluter-pays principle. That is, if a shipper is negligent, the courts will assess the degree of negligence and assess damages accordingly.

Looking specifically at Bill C 52, the minimum liability insurance coverage is essentially the first line of defence for ensuring that valid claims resulting from a railway accident

are paid. When dangerous goods are in the care of the railways, the first claim should be, of course, on the railways. The bill confirms this.

The two-tier regime provides very broad coverage. It will equally cover all actual loss or damage incurred, including damage to people, property and the environment. The costs incurred in responding to the accident may also be claimed.

It is important to note that any party — an individual, organization or government — could make claims for these damages and losses.

Honourable senators, in outlining the provisions of Bill C-52 and the manner in which they amend both the Railway Safety Act and the Canada Transportation Act, I want to emphasize that these measures are part of a series of actions that began shortly after Lac-Mégantic and will continue going forward. Safety is the top priority at Transport Canada, and after the disaster, the government moved quickly to learn from the tragic lessons.

Today, the rules involving the transportation of crude oil are much more rigorous than they were two years ago. The framework has been put in place to apply these new rules to other dangerous goods. The authorities of the minister and the railway safety inspectors have been increased so that they can intervene expeditiously when potential problems arise. Municipalities will be better informed about rail safety issues that affect them, and the Canadian Transportation Agency has been given authority to award costs when fires are caused by railway operations.

Honourable senators, this bill will enhance the liability and compensation regime for rail to ensure that sufficient resources will be available to compensate victims and clean up the environment without burdening the taxpayer.

Colleagues, I urge you to vote in favour of Bill C-52.

Hon. Art Eggleton: Honourable senators, I rise to speak also on Bill C-52. Senator Plett has outlined in great detail what this legislation is intended to do, and a lot of the words in there are “could,” “may” or “the minister might” and this kind of language, but what he says is only as good as its implementation. Indeed, it’s only as good as the capacity and resources that are provided to ensure rail safety.

In that connection, the government doesn’t have a very good record. Are we just getting words, or are we going to actually get real rail safety? The Auditor General — remember him? — in his report two years ago said that they had done only a quarter of the safety inspections they were supposed to do — a quarter. In light of what happened with Lac-Mégantic, this is just not adequate.

In fact, in terms of VIA Rail — I realize we’re talking about transport of goods here — but in terms of VIA Rail, which has over 4 million passengers a year, no inspections — none whatsoever — were conducted. On top of that, the Auditor General said that the safety audits that were conducted were inadequate. In fact, the training and the skills of the inspectors were also deficient.

On top of that, the minister admitted at the time that she’d hired only one additional inspector since the Lac-Mégantic disaster. Well, that certainly doesn’t show an awful lot of priority on rail safety.

You know what? The most important part of rail safety is not getting to the end and having to collect from the rail companies on the insurance or the compensation fund.

• (1440)

It’s good that they’re going in place, but the real thing that needs to be done is prevention. Imagine if Lac-Mégantic occurred in one of our major urban centres. Look at the loss of life that was there, the cost that was there. Imagine if it had happened in a major centre.

Interestingly enough, I remember one that did happen in a major centre. It happened in Mississauga in 1979. It necessitated the evacuation of some 200,000 people from that municipality. What’s interesting about that is that this bill talks about the provisions of the compensation fund being for crude oil shipment and only crude oil shipment at this point. Yes, they’re going to look at some others, but that Mississauga disaster involved propane and chlorine. They really need to get on it very quickly. The minister did say she was working on it. I hope that’s what’s going to happen and, in fact, they’re going to be able to amend the provision so it covers more than just a disaster that is relevant to crude oil.

Another point that’s worth making is that the budget for her department since the Lac-Mégantic disaster has been cut by some 20 per cent so that now the amount of money that’s devoted to rail safety is \$34 million. That’s slightly behind what they put out for the advertising of the Economic Action Plan, so you can see where their priority is in all of that.

Those are the things that are of concern to me, but the bill does have good measures in it, if they are properly implemented and if they are properly resourced. The insurance scheme for the polluter pays is necessary. It’s necessary to up the limits that are involved in it as well to make sure that the rail companies and the shippers are in fact going to absorb much more of the cost and at the same time, the compensation fund, which will be contributed to by shippers, will help provide for additional resources if there is a major disaster.

On that basis and on the assurances of the minister that she is moving very quickly to implement this, I will support and suggest that we support Bill C-52.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Lynn Beyak moved second reading of Bill C-61, An Act to amend the Canada National Marine Conservation Areas Act.

She said: Honourable senators, it is my privilege to rise in this chamber to speak in support of the Lake Superior national marine conservation area act.

Bill C-61 brings to a close almost two decades of work to make this new protected area a reality by formally protecting 10,000 square kilometres of Canada's spectacular Lake Superior under the Canada National Marine Conservation Areas Act. At the same time, Bill C-61 opens the door to realizing the environmental, economic and social benefits that many north shore communities along Lake Superior, from Thunder Bay to Terrace Bay, have envisioned throughout the establishment process.

Bill C-61 fulfills a number of commitments made by our government. First, in October 2007, the Prime Minister announced the creation of Lake Superior National Marine Conservation Area when Canada and Ontario signed an agreement detailing the actions required to protect this area.

Second, in the 2013 Speech from the Throne, our government announced a new national conservation plan to protect our nation's rich national heritage by increasing protected areas with a focus on stronger marine and coastal conservation.

Finally, in Budget 2015, the government committed to further expanding our protected areas network by taking the final steps to establish Lake Superior National Marine Conservation Area Bill, Bill C-61. It sets the stage for the legal and formal protection of the largest fresh water marine protected area in the world dedicated to conservation.

Honourable colleagues, from sea to sea to sea, Canada's landscapes and seascapes are important to its peoples. The immense grandeur of this country can take our breath away and nowhere is that truer than on Lake Superior, the great sweet water sea.

In passing the Canada National Marine Conservation Areas Act, Parliament confirmed the need to recognize that the marine environment is fundamental to the social, cultural and economic well-being of people living in coastal communities. To ensure that such communities, indeed all Canadians, would continue to benefit from our marine environments, Parliament also affirmed a need to establish a system of national marine conservation areas that are representative of 29 distinct marine regions in the Atlantic, the Arctic and Pacific Oceans and the Great Lakes.

Honourable senators, with its rugged and scenic shoreline, deep cold waters, numerous islands, inlets, shoals and large shallow productive bays, Lake Superior National Marine Conservation Area will more than adequately represent the diversity of the Lake Superior marine region. Bald eagles, peregrine falcons, osprey and great blue herons all call this home in the summer. Lake herring, walleye, yellow perch, lake whitefish, lake trout and brook trout are found in different parts of the area, attracting birds and fishermen alike. Cultural resources include archaeological sites such as Aboriginal pictographs and grave sites, as well as numerous shipwrecks. Many of these sites have deep spiritual meaning for local First Nations and Metis.

Honourable senators, there are almost as many ways to enjoy Lake Superior National Marine Conservation Area as there are waves on our beautiful lake. You can hike, fish, swim, camp, kayak or simply wander along a quiet trail. As we complete the establishment phase and foster important partnerships with northern communities, the tourism sector and Aboriginal peoples, we look forward to increased visitation and strengthened local economies in this very special place.

In 1997, Canada and Ontario launched a feasibility assessment to explore the merits of a national marine conservation area on Lake Superior. A regional committee of local communities, First Nations and stakeholders guided the process for several years, holding numerous open houses and public consultations. In 2000, this led to a unanimous endorsement by the committee recommending governments proceed with the establishment of a national marine conservation area based on strong public support for the proposal and for Parks Canada's vision for that area.

All this work set the stage for the conclusion of an establishment agreement between the Governments of Canada and Ontario in October 2007, signed on the shores of Lake Superior in the community of Nipigon. This agreement was necessary because the lake bed and islands of the marine conservation area are administered by the province and are to be transferred to Canada for protection for all time under the Canada National Marine Conservation Areas Act.

When he announced the creation of this new national marine conservation area, the Prime Minister stated:

Everyone agrees we need to preserve our natural environment and our government is taking action to preserve and protect Canada's environment, including Lake Superior's north shore, for future generations of Canadians to enjoy.

The Prime Minister also announced a related agreement with the Northern Superior First Nations. This agreement led the way for Parks Canada to work with the First Nations to develop an effective plan for protecting and interpreting the Aboriginal cultural heritage of the area.

• (1450)

As the Prime Minister said on that special day in October 2007, this is an outstanding example of federal, provincial and First Nations cooperation. It's also a testament to over 10 years of

effective teamwork by local Parks Canada staff, municipal officials, commercial-fishing interests, recreational boaters and others.

Several years of work finalizing details of a boundary survey of this 10,000-square-kilometre area to enable transfer of the lake bed and islands, as well as completing agreements with First Nations and the Metis, bring us to this final step of formal establishment of the Canada National Marine Conservation Areas Act.

Honourable senators, let me briefly explain the bill. A condition precedent to Ontario transferring the lake bed and islands to Canada is the need to confirm through an amendment to the Canada National Marine Conservation Areas Act that Ontario will continue to be responsible for the administration and management of water-taking and water transfer within Lake Superior National Marine Conservation Area and any future marine conservation area created in the Great Lakes. Simply put, Ontario will continue to provide water-taking permits to north-shore municipalities.

By agreeing to this approach, we are not creating any new regulatory authorities for these activities. The five existing permits remove only a miniscule amount of Lake Superior's waters, and I can assure you that these provisions do not open up current federal and provincial prohibitions against bulk water transfers from the Great Lakes.

Once these water-taking provisions are confirmed in the Canada National Marine Conservation Areas Act, Ontario will transfer the lake bed and islands to Canada for protection and administration as Lake Superior National Marine Conservation Area.

Honourable senators, in passing Bill C-61, this chamber will be passing a bill and expressing a vote of confidence in the talented and dedicated people and organizations who worked over the last several decades to make this new protected area a reality. Our legacy to them and to future generations is a protected ecological and cultural treasure on Lake Superior, and I ask my honourable colleagues to support Bill C-61.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

INCOME TAX ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT AND MOTION IN SUBAMENDMENT—DEBATE SUSPENDED

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);

[Senator Beyak]

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.”

And on the subamendment of the Honourable Senator Cowan, seconded by the Honourable Senator Ringuette, 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).

Hon. Pierrette Ringuette: Honourable senators, I would like to begin by thanking Senator Bellemare for her excellent speech, which clearly is the result of a tremendous amount of research on the subject. I want to thank her for that. I also want to thank Senator Cowan for his subamendment.

The bill has gone through a long process in the Senate that does not reflect positively on the legislative process. As I already said, this bill was previously amended, but it had to go back to square one after Parliament was prorogued. We need to show that the Senate is truly a chamber of sober second thought and adopt the proposed amendments.

I would like to point out a few things about the committee deliberations that took place a few weeks ago. First, only 23 witnesses appeared. The committee received 324 requests from organizations, individuals, lawyers and academics who wanted to testify, which means that only 7 per cent of them were invited to do so.

The chair explained that the committee wanted to avoid duplicating the work that was being done by the Banking Committee, which I was a member of in 2013. However, many witnesses, including those who are opposed to the bill, testified again, including John Mortimer from LabourWatch and Mike Rooney, a member of the Canadian Union of Public Employees. No one spoke to many aspects of the bill. I repeat: no one. I am thinking in particular of the professional associations affected by the legislative measure, such as Doctors Nova Scotia and the Canadian Nurses Association. What is more, Quebec unions, such as the FTQ and the CSN, were not represented. The voices of over half a million workers in Quebec were therefore not heard.

The focus should have been on the bill's constitutional validity, but the many witnesses did not address that issue at all. They did not even have any expertise in that regard. I am talking about Aaron Wudrick from the Canadian Taxpayers Federation, who explicitly stated that he would not talk about the constitutional validity of the bill.

Two witnesses spoke only about union members' access to financial documents. Accusations were made against the Canadian Union of Public Employees and FTQ-Construction. However, neither of these unions was invited by the committee to testify on the bill or to respond to the accusations that had been made against them in committee.

Senator Batters said that the National Hockey League Players' Association should be excluded. If Senator Batters and other Conservative senators think that the bill is a problem, especially for this national hockey association, they should make amendments instead of excluding specific organizations for purely political reasons.

Supporters of this bill mainly argue that unions must be transparent, given that they contribute money to election campaigns, especially to campaigns against supporters of this bill. We heard that argument in this place again this week. A number of Conservative senators seem particularly sensitive to the topic of union spending in Ontario, in particular the Chair of the Standing Senate Committee on Legal and Constitutional Affairs.

Ontario has its own election spending laws. If Senators aren't happy with them, they can put pressure on provincial governments to amend their laws. Bill C-377 does nothing to address provincial election spending. Furthermore, the majority of the provinces have already passed laws to make the financial information of unions accessible to members. This is a provincial jurisdiction. There are ways to tackle the issue, but this bill is certainly not one of them.

Representatives from Revenue Canada said the following, and I quote:

We are considering the focus of this measure as disclosure, not for income tax administration purposes or tax assessment purposes.

• (1500)

[English]

The claim is that the federal government can require public disclosure under its power of taxation but as noted above. This legislation has nothing to do with tax assessment or administration and therefore is a labour relations issue and under provincial jurisdiction. Only one constitutional expert has said the bill is constitutional, and that is former Supreme Court Justice Bastarache, but we heard from many who said it is not constitutional, including Alain Barré and Henri Brun of Laval University, Robin Elliot of UBC, and Bruce Ryder of Osgoode Hall Law School.

The claim that this bill is beyond the jurisdiction of the federal government has also been put forward by ministers from almost every province, the Canadian Bar Association, the Barreau du Québec, the Federation of Law Societies of Canada, and the Certified General Accountants Association of Canada when they appeared before the Banking Committee in 2013.

Bruce Ryder 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. . . .

Bill C-377 doesn't make any proposal to tie the disclosure obligations to the existing tax treatment of labour organizations. That's why, at the end of the day, I'm quite confident that the courts will conclude that the law is in pith and substance not in relation to income tax but is in relation to labour organizations, which fall within exclusive provincial jurisdiction. . . .

... 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.

The amount of information and the public disclosure of that information is disproportionate to what is required by other organizations. This would require the release of information not just of union business but of third parties that do business with unions. This would make it harder for unions to receive services, as vendors may not want to have the details and the amounts of their contracts posted publicly.

The former Privacy commissioner, Jennifer Stoddart, stated in committee that it is a significant privacy intrusion and highly disproportionate and that:

... requiring the names of all individuals earning or receiving more than \$5,000, as well as the amounts they receive, to be published on a website, is a serious breach of privacy.

In terms of proportionality, I think that naming that category of individuals that would still be named under this current legislation draft is a significant invasion of privacy and that it is difficult to find an overriding public interest to expose everyone who is around the \$5,000 transaction to a searchable web protocol.

The former privacy commissioner also spoke specifically about the unintended consequences of having people's names and information in a searchable format on the Internet.

Pierre Brun from the Canadian Association of Labour Lawyers noted, with respect to section 8 of the Charter, which deals with search and seizure, that similar issues have arisen in front of the Supreme Court.

This bill will ultimately be a waste of time and taxpayers' money, and it will be immediately challenged in the courts. This bill will be challenged as soon as it gets Royal Assent. This is going to cost taxpayers and unions money to implement only to have it shut down by the courts.

Several provinces submitted briefs, and three attended, and concerns were raised across the country, and you have to be sure that court challenges on jurisdiction would follow the passage of this bill.

The Minister of Labour from Ontario, Minister Flynn, said as much:

Well, as the Minister of Labour for the Province of Ontario, obviously if this bill were to be successful I would have some very hard questions for the labour experts and lawyers that associate within our ministry. Certainly if we thought that there was intrusion into an area that clearly has been outlined as provincial jurisdiction, I believe you would see some action on behalf of the government.

The new privacy commissioner, Mr. Therrien:

We sometimes intervene in court. Private parties can do that. We would have to assess this when the time comes, but it's certainly a possibility that we would intervene, yes.

Cameron Hunter from Eckler Limited and others raised concerns that despite the changes made to the bill to exempt certain trusts from disclosure, there are still concerns that personal payment from pension and other benefit plans may still be required to be made under this legislation.

[Senator Ringuette]

Ralph Hensel from the Investment Funds Institute of Canada said that the bill will impose on mutual funds a costly and unnecessary administrative burden that will ultimately be borne by the millions of Canadians who own.

Lou Serafini from Fengate Capital pointed out the potential that financial advisers may have to disclose information on fees and expose their underwriting processes to competitors.

The bill applies in its language to regulation of relations between employers and employees. There is some concern that this means that the bill would in fact apply to many organizations, including the NHL, beyond its stated goal, including groups such as players' associations, professional associations, doctors, nurses, lawyers and others who are involved, however distantly, in negotiation on their members' behalf.

The language of the bill may also include employer associations. It has been pointed out that unions, the OPP in Ontario, and the Charboneau Commission in Quebec are involved in legal matters. It has not been made clear how this bill helps that, seeing as these cases have come to light without this bill and that these are criminal matters dealt with within the Criminal Code.

Again, union relations are the subject of provincial jurisdiction and are best dealt with there.

I don't have it in my notes, but I think that each and every one of us —

[Translation]

In light of what we have been dealing with here since 2013, what moral authority do we have to tell honest citizens, Canadian workers, that they have to post income of \$5,000 or more on a public website . . .

May I have another five minutes?

The Hon. the Speaker: Will honourable senators grant the senator five more minutes?

Some Hon. Senators: Agreed.

Senator Ringuette: . . . while we have to make a decision on this bill. I'd like each of us to take some time to reflect before deciding how to vote, because some might be surprised.

• (1510)

Again, passing this bill to publicly post on a website income of \$5,000 or more of Canadian workers, when we haven't had the courage to post our own expenses on a public site, would be an even bigger disgrace, a disgrace the likes of which we haven't yet seen.

[English]

In conclusion, I support the amendments put forward by Senator Bellemare and Senator Cowan, and I believe that they will help in regard to the way that we really do our work.

MOTION

Hon. Pierrette Ringuette: Therefore, honourable senators, because I believe it is imperative that we hear more evidence about the impact of this bill, should it ever become law, I move:

That the sub-amendment be not now adopted but that pursuant to rule 12-8(1), it, together with the amendment, be referred to Committee of the Whole for consideration and report, and that the Senate resolve itself into Committee of the Whole, immediately following Question Period on the second sitting day following the adoption of this motion.

The Hon. the Speaker: On debate, Senator Tardif.

[Translation]

Hon. Claudette Tardif: Honourable senators, I wish to add my voice to all those opposed to Bill C-377. As it did in 2012, Bill C-377 unjustly targets unions, violates the Canadian Charter of Rights and Freedoms, and encroaches on provincial jurisdictions. This bill is not only unjust, it is unconstitutional.

This bill has been harshly criticized by a number of professional organizations. I find Senator Ringuette's motion to refer the bill to Committee of the Whole to be quite worthwhile. When the bill arrived at the Standing Senate Committee on Legal and Constitutional Affairs, many groups and individuals asked to share their concerns, but the majority of them did not get a chance to be heard. That is why I find Senator Ringuette's motion so worthwhile, since it would give a voice to those associations and organizations. We could hear them in Committee of the Whole.

I want to thank Senator Bellemare for the amendment she proposed. It would add an exception to Bill C-377 to exempt all labour organizations under provincial jurisdiction. This amendment would prevent Bill C-377 from encroaching on provincial jurisdictions. I also want to thank Senator Cowan for his subamendment, which proposes to make very important changes. I commend the senators on this initiative.

Since it is highly unlikely that Senator Ringuette's motion will pass, and since the voices of other associations and organizations will not be heard, I have decided to share with you the point of view of a number of professional associations.

The Alberta Union of Provincial Employees and the Canadian Teachers' Federation are two groups that were not permitted to appear before the committee. Representatives of the Alberta Union of Provincial Employees, which represents over 85,000 people, listed four reasons why Bill C-377 should be declared unconstitutional. Allow me to quote from their brief on these four reasons.

First, it has long been established that matters relating to labour and labour relations fall under provincial jurisdiction over property and civil rights pursuant to subsection 92(13) of the Constitution Act, 1867. This principle was first established by the *Toronto Electric Commissioners v. Snider*, [1925] AC 396 by the Privy Council and confirmed by the Supreme Court in *Oil, Chemical and Atomic Workers International Union, Local 16-601 v. Imperial Oil Ltd.*, [1963] SCR 584.

[English]

Exceptions to the provinces' powers to regulate labour and labour relations apply in situations in which labour and labour relations are an "integral part of," or are "necessarily incidental to" the headings enumerated under section 91 (Federal powers). Thus in Canada, with respect to federally regulated industries, such as telecommunications, banking and airlines, federal labour laws are *intra vires*. In every other case, which is the majority of cases, labour and labour relations are regulated by provincial governments.

[Translation]

Bill C-377 does not make a distinction between unions that are federally or provincially regulated: it applies to all labour organizations equally. Only the Government of Alberta has the jurisdiction to enact this type of legislation in relation to provincial unions such as AUPE. This blatant intrusion into the provincial sphere violates the division of powers doctrine.

Bill C-377 is an unwarranted incursion into the traditional jurisdiction of the provinces for no valid purpose connected to the raising of taxes — which is what the Income Tax Act is intended to do. The Income Tax Act is not a piece of legislation that requires "disclosure for disclosure's sake"; rather, the Income Tax Act requires disclosure in order to serve its purposes.

This legislation does absolutely nothing to advance the cause of the Income Tax Act. This is abundantly clear given the fact that there are no consequences arising from the requested disclosure other than the consequence of non-compliance. In other words, the bill does not address the contents of the disclosures, simply the consequences of not making any disclosure at all.

As stated earlier, the problem of jurisdiction is sure to attract litigation both by affected unions and provincial governments. There is simply no question that if passed, this legislation will result in potentially years and years of costly constitutional litigation for no good public interest reason.

Second, it represents a serious intrusion on the Charter right to freedom of association. If this bill is somehow able to survive a jurisdictional challenge, unions across Canada are sure to challenge the constitutionality of this legislation on the ground that it seriously interferes with the Charter right to freedom of association by impeding the ability of unions to pursue collective action in a fair way.

Bill C-377 imposes significant financial disclosure requirements on unions. For example, subsection 149.01(3)(a) sets out that labour organizations must file with the minister financial

statements for the fiscal period in the form prescribed and that such financial information is to include a balance sheet showing the assets and liabilities of the labour organization as of the last day of the fiscal period and a statement of income and expenditures.

• (1520)

Paragraph 149.01(3)(b) requires labour organizations to disclose detailed financial information concerning all transactions with a value of more than \$5,000, the salaries and benefits of unionized employees, as well as the time spent on political activities. Overall, Bill-377 would make every single aspect of a union's operations available to the public.

Bill C-377 imposes strict financial reporting requirements on unions and orders the public disclosure of that information, which will affect the privacy of confidential information and the financial security of the union. Unions would be expected to make extensive financial information available to the minister, who would then put the information on the Internet. This information could be consulted by employers, other unions and anyone who wished to access it.

Making this information public would put unions in a precarious position. When engaging in collective bargaining, unions would be at a disadvantage vis-à-vis employers who would have access to internal union information, including financial resources, while unions would not have similar information for employers.

If an employer sees that a union does not have abundant resources, it could frustrate negotiations because the employer could use the information it has about the union's financial position against the union. For example, the employer could try to strain the union by stalling the negotiation process or sharing the union's financial position with employees in an attempt to cause them to lose confidence in the union's ability to represent them.

Third, the bill represents an unjustified seizure of confidential information. Under section 8 of the Charter, organizations have the right to be secure against unreasonable search or seizure. The bill violates the spirit of this section, if not the section itself, by demanding, through the operation of statute, submission and publication of otherwise confidential and personal and private information for reasons that are clearly not proportionate to the magnitude of the intrusion.

The nature of the disclosures sought under Bill C-377 and the fact that those disclosures will be publicly disclosed on a searchable Internet database raises serious concerns that the bill represents an unconstitutional intrusion into the privacy interests of the union. In particular, it represents a violation of the rights of union executives who are required to report as to the percentage of time they spend on political activities, lobbying activities and other non-labour relations activities. There is every reason to believe that the expectations of the union and of union leaders that certain information should not be publicly disclosed would be found to be reasonable.

[Senator Tardif]

If Bill C-377, or some aspects of it, are found to be an intrusion on the right to be free from unreasonable search and seizure pursuant to section 8 of the Charter, it is highly unlikely that the bill could be saved by proving that it is a reasonable infringement under section 8. Again: it is simply not proportionate to the public interest it purports to serve.

Fourth, the legislation represents an unjustified attack on the Charter right of freedom of expression. While there is no administrative or penal consequence attached to the disclosure of information about the activities of union officials, the act of disclosure will no doubt have a chilling effect on the ability of union officials to conduct their affairs in an atmosphere free of coercion. Furthermore, the disclosure provisions will impose a chill on unions that may choose to engage in political or social activism as part of representing their members' interests. The Supreme Court of Canada has confirmed that union participation in such activities and associated financial contributions to political parties or social causes is expressive activity that is protected by the Charter.

The disclosure requirements of Bill C-377 therefore also infringe freedom of expression guaranteed under section 2(b) of the Charter and cannot be justified under section 1 as a proportionate response.

[English]

Honourable colleagues, as you can see, Bill C-377 is unnecessary and unfair. According to the Alberta Union of Provincial Employees:

Unions are democratic institutions. There are many checks and balances in place within union constitutions to ensure that members know what is happening with union finances, and what activities, including political activities, its executives and Standing Committees are involved with in the name of the Union. The Executive Committee is required to justify its actions and expenditures to the membership every year. If a problem arises, the delegate members can vote out the Executive Committee, in whole or in part, and pursue the remedies available to them through ordinary operation of civil and criminal law.

[Translation]

Honourable senators, that is it for the brief submitted by the Alberta Union of Provincial Employees.

As for the Canadian Teachers' Federation, which represents more than 200,000 members of the teaching profession in Canada, Bill C-377 is problematic on a number of levels. Allow me to read some excerpts from the Federation's brief. It states a number of concerns shared by the Alberta Union of Provincial Employees.

First, there are problems in terms of jurisdiction. The CTF and its Member teacher organizations make their decisions in an open and democratic way. Financial statements are open to all members; budgets are voted upon and spending is monitored by the membership; financial reports are audited professionally and distributed to the membership on an annual basis. Currently the

Canadian Labour Code, nationally, and legislation in most provinces and territories require that unions provide their financial statements to members. It is inappropriate to attempt to utilize the Income Tax Act in a manner many believe is outside its constitutional scope.

By passing this legislation, the federal government would amend federal tax law to interfere in what is clearly an issue under provincial and territorial jurisdiction. This legislation will give rise to numerous and costly court challenges.

Then there are issues of cost and fairness. There would be a significant cost to unions — affecting over 25,000 labour organizations in Canada — and a cost to Canadian taxpayers estimated by both the Parliamentary Budget Office and the CRA as being \$11 million in the first year with ongoing costs of \$2 million per year. This would entail developing the regulations needed to enact the legislation; developing and preparing all of the forms and instruction booklets required; developing the software programs to file, receive and process the information including the need to employ auditors, accountants, lawyers and administrative workers for this purpose; and developing a massive online searchable database. Such an outlay of public funds cannot be justified.

The burden placed on unions to comply with C-377 would take away from their ability to represent their members. When considering the adverse effects on labour unions caused by Bill C-377, the mover suggested that members could just choose another union that was not adversely affected by the penalties imposed. Colleagues, that is a pretty poor answer.

A host of privacy rights would be violated under Bill C-377. If the bill is not amended, Canadian mutual fund owners, pension recipients and joint union-employer pension or health insurance arrangements will likely be swept into the disclosure provisions of the bill as labour trusts. Individuals who have paid into plans and who become eligible to receive a payment of more than \$5,000 in any one year will have their privacy invaded.

• (1530)

This breach of privacy will open the books of labour organizations to those with whom they might negotiate. Even after amendments, Bill C-377 would require the disclosure of information that could be unfair to unions and their suppliers at best and unconstitutional at worst.

[English]

Further to their brief, I have received information from the Canadian Teachers' Federation on the day-to-day impact Bill C-377 would have on their members. In their letter requesting to appear before the Standing Senate Committee on Legal and Constitutional Affairs, the President of the Canadian Teachers' Federation expressed:

In many cases, teacher locals have an elected president who is also teaching either full or part time. The reporting requirements of the bill would take valuable time away from this teacher who would otherwise be marking, preparing lessons, or participating in extracurricular activities.

Bill C-377 would have severe unintended consequence on students across Canada.

[Translation]

Honourable senators, Bill C-377 is unconstitutional and unfair. Many organizations, groups and individuals did not have an opportunity to comment on this bill. I encourage you to support Senator Ringuette's motion to go into Committee of the Whole to hear from this large number of witnesses.

[English]

Hon. Jane Cordy: Is there time for a question?

The Hon. the Speaker: Yes.

Senator Cordy: Thank you.

I was particularly interested in the work of the teachers' federations and the teachers' unions across the country. We know that teachers are volunteers who work on the executives.

I had an email from the Yukon Teachers' Association. The Yukon Teachers' Association and the Yukon Ministry of Education have embarked on two major programs to serve students with diverse educational needs. The first one addresses aggressive and violent student behaviour. The second pilot project provides extra literacy and classroom support in seven selected primary grades. This is being done in conjunction with the teachers' association and the Ministry of Education.

Do you believe that it's better for these teachers who are volunteers on their executive to use their afterschool hours as volunteers to implement the initiatives related to addressing aggressive and violent student behaviours and on early intervention programming for literacy? Or do you think these teachers should be volunteering their time and would be more productive filling out forms for CRA as a result of Bill C-377?

Senator Cowan: That's a trick question.

Senator Tardif: It's a trick question, that's right. Thank you for that question, Senator Cordy.

We are all aware of the heavy load that classroom teachers and school principals carry. They are continuously being asked to meet new challenges that are increasingly prevalent in our society. You mentioned some of them: dealing with youth mental health issues, dealing with aggressive student behaviour, dealing with students who have learning problems, providing extra literacy classroom support; the list goes on. Their efforts in these areas have a profound impact on both students and the entire education system. I'm sure that the majority of parents, students, educators and larger society would agree that a teacher's time is much better spent working with students than filling out forms in order to meet the demands of Bill C-377. We forget the small teacher locals and that these classroom teachers are volunteers on their own.

The Hon. the Speaker: Time has elapsed. Thank you.

Hon. Dennis Dawson: I want to remind honourable senators that we are starting on the amendment, but I have about a dozen reports from organizations in Quebec that were not accepted to be listened to. I'm going to speak on this amendment, but I do want to remind honourable senators what we're talking about because I will be talking about other briefs that were tabled but not received at the committee. Senator Ringuette moved:

That the sub-amendment be not now adopted but that pursuant to rule 12-8(1), it, together with the amendment, be referred to Committee of the Whole for consideration and report, and that the Senate resolve itself into Committee of the Whole, immediately following Question Period on the second sitting day following the adoption of this motion.

I will be speaking on the amendment, honourable senators, but there are dozens of documents that were not tabled. During the next few days, we will certainly have the occasion to talk about them.

[Translation]

The first brief I would like to mention is the one submitted by the Confédération des syndicats nationaux du Québec, which is the largest trade union organization in Quebec. It represents more than 300,000 workers. I would have liked to mention the Association des syndicats policiers de la Sûreté du Québec, but it did not submit a brief.

Given that the committee would not allow the CSN to appear before it, I would like to read from its brief, on its behalf. Thus, I will be able to read its dissenting opinion regarding Bill C-377 into the record. My speech is based on that brief, to bring it to your attention.

The Confédération des syndicats nationaux is a trade union organization made up of 1,700 member unions that, together, represent over 300,000 working women and men, primarily within Quebec, who are organized on a sectoral or occupational basis into eight federations, and on a regional basis into 13 central councils.

The CSN representatives would have liked to thank the Standing Senate Committee on Legal and Constitutional Affairs if they had had the opportunity. However, since they weren't allowed to appear, I would like to point out once again that I am speaking on their behalf.

When the Conservative member for South Surrey—White Rock—Cloverdale, Russ Hiebert, introduced his private member's bill, Bill C-377, in the other place on February 26, 2012, he said the following and I quote:

Labour organizations play a valuable role in Canadian society, representing and defending the rights of workers.

In his important 1946 judgment laying down the Rand Formula, Justice Ivan Rand wrote that:

As the history of the past century has demonstrated, the power of organized labour, the necessary co-partner of capital, must be available to redress the balance of what is called social justice: the just protection of all interests in an activity which the social order approves and encourages.

Bill C-377, however, is an attack on labour organizations and their members, who have for nearly two centuries defended the rights of workers and fought for good working conditions and to make sure that these workers and their families are able to play a legitimate role in our society.

The CSN is a democratic organization that is transparent to its members. It has nothing to hide; quite the contrary. Its governance rules have been in place for a long time and are well known to its members. It is transparent and provides for union oversight. Union constitutions generally provide for disclosure of financial information to members.

In passing, I want to join my colleagues in congratulating Senator Bellemare on her speech. I did so in private, but I wanted to say it publicly as well.

Furthermore, the CSN's financial statements are always available on the organization's website. The semi-annual financial statements are examined by an oversight committee and by the confederal bureau. This bureau is made up of all officers of the organization and receives the statements, which are then approved by the confederal council, which is the supreme authority between conventions of the organization.

The convention, which is held every three years, adopts the audited financial statements and sets the budget for the next fiscal year. There is also a controller who has access to all of the documents and also has the power to investigate the veracity of any expenditure.

Naturally, information about lobbying activities by CSN officers and staff is already reported and is accessible on the website of the Quebec Lobbyists Commissioner. Quebec law already governs this aspect of their work.

• (1540)

These legislative requirements are based on false premises. The sponsor of the bill is mistaken when he contends that his bill is justified because unions are subsidized by taxpayers, since union members are able to deduct their dues from their taxable income.

[English]

With that interpretation, everybody would be subject to every law because they deduct their expenses from income tax. Again, it's an interpretation that would not have passed the test of the

Department of Justice if this bill had been sent to the Department of Justice, not hypocritically made a government bill by the back door but done through the front door. This wording would never have passed the test of the Department of Justice because it just doesn't pass the test of decency.

[Translation]

It must be understood that this deduction is made under the Income Tax Act, which allows all Canadian taxpayers who belong to a professional organization, such as an association of physicians, lawyers or engineers, to deduct their membership fees from their taxable income. This is a costly and unmanageable system, in their view. It is incorrect to minimize the cost in staff time and financial resources to implement this bill. It will take a lot of time, energy and resources for the Canada Revenue Agency personnel to develop the necessary regulations. Like every other organization, CRA has suffered cuts. It has fewer employees to carry out its activities and manage a comprehensive database with cross-referencing capacity on a Web-based portal for the general public to access the information.

[English]

I wish the government gave that much information about how they're spending money on advertising before the campaigns, but that's another issue. We probably don't want to talk about that.

[Translation]

I will now come back to the brief. Monitoring, auditing and enforcement generate enormous additional costs. This is a completely excessive volume of information. Section 149 in the bill provides that all financial transactions greater than \$5,000, not \$100,000 or \$5 million, by every labour organization, for pension plans, health and welfare trust funds, and training and apprenticeship trust funds will require an entry showing the name and address of the payer and the payee, the description of the transaction, and the exact amount that has been paid or received or that is to be paid or received.

[English]

This will really be something that the revenue department really needs to do right now when they have fewer staff than they've ever had and more work, and we're telling them, for obviously ridiculous reasons, "Here's this work you are going to have to do in addition to what you're doing already."

[Translation]

To continue quoting CSN:

We estimate that this bill alone will generate an astronomical number of entries each year. This will impose a substantial cost on the government and on labour organizations. In addition, requiring that pension plans and trusts identify and report all transactions over \$5,000 will greatly increase the cost they will have to pay.

There are many other sections of the bill requiring additional information that will increase the cost to labour organizations and to the government itself. Even though Conservative MP Mr. Hiebert claims that implementing the bill will involve only minimal cost, we believe, on the contrary, that the cost will be several million dollars. This represents a broad attack on the social role played by unions. The Parliament of Canada and all the provincial legislatures have recognized the unique and important role played by Canada's labour organizations; the federal and provincial governments have adopted a variety of legislation that gives workers not only rights, but also responsibilities and obligations.

(Debate suspended.)

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill S-4, An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act, and acquainting the Senate that they had passed this bill without amendment.

[English]

STATUTORY INSTRUMENTS ACT STATUTORY INSTRUMENTS REGULATIONS

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-2, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations, and acquainting the Senate that they had passed this bill without amendment.

BUSINESS OF THE SENATE

The Hon. the Speaker: Is it your pleasure, honourable senators, that the sitting be adjourned to await the arrival of His Excellency, the Governor General?

Hon. Senators: Agreed.

(The sitting adjourned during pleasure.)

• (1600)

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to provide that the Department of Employment and Social Development is the main point of contact with the Government of Canada in respect of the death of a Canadian citizen or resident (*Bill C-247, Chapter 15, 2015*)

An Act to amend the Criminal Code (exploitation and trafficking in persons) (*Bill C-452, Chapter 16, 2015*)

An Act to amend the Canada Pension Plan and the Old Age Security Act (pension and benefits) (*Bill C-591, Chapter 17, 2015*)

An Act to amend the Coastal Fisheries Protection Act (*Bill S-3, Chapter 18, 2015*)

An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act (*Bill S-6, Chapter 19, 2015*)

An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts (*Bill C-51, Chapter 20, 2015*)

An Act to amend the National Energy Board Act and the Canada Oil and Gas Operations Act (*Bill C-46, Chapter 21, 2015*)

An Act to amend the Controlled Drugs and Substances Act (*Bill C-2, Chapter 22, 2015*)

An Act to amend the Criminal Code, the Canada Evidence Act and the Sex Offender Information Registration Act, to enact the High Risk Child Sex Offender Database Act and to make consequential amendments to other Acts (*Bill C-26, Chapter 23, 2015*)

An Act to give effect to the Déline Final Self-Government Agreement and to make consequential and related amendments to other Acts (*Bill C-63, Chapter 24, 2015*)

An Act to amend the Firearms Act and the Criminal Code and to make a related amendment and a consequential amendment to other Acts (*Bill C-42, Chapter 27, 2015*)

An Act respecting the Marine Mammal Regulations (seal fishery observation licence) (*Bill C-555, Chapter 28, 2015*)

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 (*Bill S-7, Chapter 29, 2015*)

An Act to amend the Corrections and Conditional Release Act (*Bill C-12, Chapter 30, 2015*)

An Act to amend the Canada Transportation Act and the Railway Safety Act (*Bill C-52, Chapter 31, 2015*)

An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential amendment to another Act (*Bill S-4, Chapter 32, 2015*)

An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations (*Bill S-2, Chapter 33, 2015*)

The Honourable Andrew Scheer, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it Please Your Excellency:

The Commons of Canada have voted supplies to enable the Government to defray certain expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016 (*Bill C-66, Chapter 25, 2015*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016 (*Bill C-67, Chapter 26, 2015*)

To which Bills I humbly request Your Excellency's Assent.

His Excellency the Governor General was pleased to give the Royal Assent to the said Bills.

The Commons withdrew.

His Excellency the Governor General was pleased to retire.

• (1620)

[English]

(The sitting of the Senate was resumed.)

INCOME TAX ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT AND MOTION IN SUBAMENDMENT—VOTE DEFERRED

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.”.

And on the subamendment of the Honourable Senator Cowan, seconded by the Honourable Senator Ringuette, 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).

And on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Eggleton, that the sub-amendment be not now adopted but that pursuant to rule 12-8(1), it, together with the amendment, be referred to Committee of the Whole for consideration and report, and that the Senate resolve itself into Committee of the Whole, immediately following Question Period on the second sitting day following the adoption of this motion.

The Hon. the Speaker: Honourable senators, the sitting is resumed and we are resuming debate on Bill C-377.

The Honourable Senator Dawson, on debate.

Hon. Dennis Dawson: I lost my train of thought. Would you mind if I had consent to start over from the beginning?

Senator Moore: Where were you? I forget what you said.

Senator Dawson: I’ve never been interrupted by so many important people before. I’m happy he came this week, because he would be embarrassed if he had to come back next week to sanction this bill, but that’s another issue.

[Translation]

Bill C-377 is a tool for employers. For example, the bill would give an employer engaging in collective bargaining with a union access to all the union’s financial information, such as strike funds, funds to cover the cost of legal opinions and media relations, payments for replacements, and salaries for members on strike or in a lockout. In fact, this bill would encourage employers to take advantage of the financial vulnerability of some unions and thus probably increase the number of labour disputes.

Let’s not kid ourselves or be naive. The purpose of Bill C-377 is to give anti-union organizations confidential information about the union’s financial and human resources and priorities, the lawyers they retain and the businesses that support them.

Honourable senators, no organization in Canada, not one company listed on the stock exchange, not one of the 85,917 charities registered with the CRA, not one of the 100,000 non-profits — except unions — will be obliged to make detailed confidential information public in the way this bill would oblige the unions to do.

With respect to confidentiality and protection of personal information, information about the individuals taking part in the plan will be posted by Revenue Canada on its website. I repeat: the name, payment address, and amount received for every person participating in a health care plan who gets reimbursed for an expensive prescription. That is a shameful intrusion into Canadians' privacy.

Senator Bellemare talked about intrusion into provincial jurisdiction. Two senators spoke about it just now, about this being an intrusion into provincial jurisdiction. Two eminent constitutional experts, Henri Brun from Université Laval in beautiful Quebec City and Robin Elliot from British Columbia, agreed that Bill C-377 was *ultra vires* because it directly interfered with labour relations, a field that is within provincial jurisdiction. It is unconstitutional, first, because it is an unjustified intrusion by the government into the legitimate activities of Canada's unions. Second, exposing a union's financial ability to resist a lockout or go on strike substantially inhibits its right to bargain on a level playing field. As the court has stated in SDGMR, a strike is essentially a method of exerting economic pressure.

• (1630)

Publicly exposing the workers' association's financial resources undermines its economic power in case of a strike or lockout, by giving Canadian employers advance knowledge about the union's ability to go on strike or resist a lockout.

I will have an opportunity to discuss other amendments at other times, but as I close, I want to state that Bill C-377 restricts freedom of association and thus contravenes section 2 of the Canadian Charter of Rights and Freedoms; it constitutes an offence against federal and provincial legislation protecting personal information; it discriminates against unions because it applies only to them and not to other organizations; and finally, it constitutes interference in provincial jurisdiction over the regulation of labour relations with unions.

At the very least, the government should be advised to ask the Supreme Court for a reference in order to test the constitutional validity of Bill C-377. If that does not happen, considerable administrative costs will occur, since the legislation's constitutionality is certain to be contested by the unions.

I will certainly have an opportunity to speak about the brief submitted by the FTQ. . .

The Hon. the Speaker *pro tempore*: Would you like five more minutes, Senator?

Senator Dawson: Yes, please. The FTQ's brief was quite a considerable presentation that should be submitted to this chamber, because making a decision without having talked to the most significant group of people in this field in Quebec would be insulting. I will certainly have an opportunity to speak of the FTQ again, and there are other briefs available, as well. I encourage senators on both sides to take a look at them. If they

would like to have copies, I have some in my office, and senators could refer to them during the debate that will take place over the next few days. Thank you.

[English]

Hon. Jane Cordy: As a former teacher, I'd like to refer to emails that I received from the Canadian Teachers' Federation. We know that the Canadian Teachers' Federation and all the locals are not huge bureaucracies. They're small locals staffed by teachers who volunteer their time to represent the teachers working in their local areas.

I spoke to Senator Tardif earlier about the teachers in Yukon who, instead of spending their time preparing for and improving the learning of their students, will now have to spend volunteer hours in addition to that completing paperwork as a result of this bill.

I also received an email concerning the Saskatchewan Teachers' Federation. In Saskatchewan, there are 28 local associations. They have six local associations that represent fewer than —

The Hon. the Speaker *pro tempore*: Is this on debate or do you have a question?

Senator Cordy: I have a question.

They represent fewer than 200 teachers each. In every case the local association executives and related committees consist of volunteers who are all unpaid.

Do you not agree with the writer of this email I received that Bill C-377 will place undue hardship on the members of the Saskatchewan Teachers' Federation, who volunteer their time as members of their local executives and related committees?

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

Senator Dawson: May I have one minute? Thank you very much.

In a previous life, I was an MP; but before that, Senator Gerstein, I was chairman of a school board in Quebec. I was 12.

I know it's a lot of management for these people to be able to handle that, and I do think this will be a handicap in being able to do their job as teachers well.

[Translation]

Hon. Pierrette Ringuette: Senator Dawson, as a senator from Quebec, I thank you . . .

[English]

The Hon. the Speaker *pro tempore*: There are 2 minutes and 55 seconds remaining.

[Senator Dawson]

[Translation]

Senator Ringuette: I would like to hear your opinion. Knowing that the Conseil des syndicats nationaux was not invited to make a presentation to the committee and that one member of a Quebec union made accusations without the union being able to come before the committee and present the other side of the story, as a representative of the Senate, do you think the process is fair?

[English]

Senator Dawson: Senator Plett, I didn't want to be impolite to the Speaker. There had been a mistake in timing and I was not being disrespectful. I could see a sense of shock on your face. Since I see you at committee quite often as my deputy chair at Transport, I recognize when I see shock on your face.

I honestly believe there is no urgency for this bill. Bills that don't have a drop-dead date don't have to drop dead the week we're leaving Parliament. This could be adopted in six months or two years. It did not exist last year and it doesn't have to exist next year. Why not listen to the people who are most concerned about this bill when we have an occasion to do it? There is no date when this bill becomes irrelevant. Why do we not listen to the people concerned about this bill?

Why did we not open up the debate for more presentations? I don't know as I wasn't on the committee.

Hon. Art Eggleton: Honourable senators, two years ago almost to the day, I stood in the chamber to argue against Bill C-377. We were able to amend it, a great piece of sober second thought, and send it back to the House of Commons. Yet, they did nothing with it. Here we are again arguing against the same bill and all the arguments we gave at that time remain relevant today.

No, it's not going to be the same speech; it's updated.

Bill C-377 is an appalling bill. It's a witch hunt against unions and targets their operations and their relations. It raises many privacy concerns and is likely unconstitutional. It has excessive red tape and will be expensive not only for the unions but also for taxpayers. The bill also probably violates International Labour Organization Convention 87, which was ratified by Canada.

The stated purpose of this bill, as before, is to increase transparency. Yet it exclusively targets unions and excludes other professional organizations such as legal, accounting and medical associations, whose members are able to deduct professional fees on their tax returns as employment expenses. Why are we singling out the unions?

Under section 110 of the Canada Labour Code, unions are already required to make their financial statements available to their members. In other words, unions are already accountable to their membership. If members want information, they can get it by law. There's no evidence that the current system of laws and

practices requiring union financial disclosure is broken. The number of complaints from union workers represents less than 1 per cent of more than 4 million union members in Canada.

Honourable senators, this bill will violate provincial jurisdiction. Labour relations fall mainly under the jurisdiction of the provinces and territories. In 2013, I mentioned that five provinces representing a majority of the Canadian population were against the bill because they see it as encroaching on their rights. Since then, Prince Edward Island has added its name, so now there are six — the majority of the provinces by far representing the majority of the population. Don't you listen to them?

The Canadian Bar Association previously said that Bill C-377 is "problematic from a constitutional and privacy perspective" and has "the potential to invite constitutional challenge and litigation." The association appeared before the Standing Senate Committee on Legal and Constitutional Affairs this past April to again argue against this bill.

• (1640)

They said:

In June 2013, the Senate sent an amended version of Bill C-377 back to the House of Commons for its consideration. These amendments changed the face and scope of the bill, and from our perspective made significant improvements.

Honourable senators, as nothing has changed, it is wise to make similar amendments once again. I support the amendments coming from Senator Ringuette, Senator Bellemare and Senator Cowan. I think they all are trying to get us back to something that is a more reasonable state.

Canada's Privacy Commissioner, Daniel Therrien has also stated his concerns with the bill. Appearing before that same committee, he stated:

From a policy perspective, it would be a bill that would go too far in terms of having a notion of accountability prevail over privacy.

Honourable senators, this bill would also create unnecessary bureaucratic red tape not only for unions, but for government and business, costing millions and hampering efficiency. For instance, businesses that administer pension plans would have significant additional reporting, some of it duplicating existing regulatory requirements that they must already comply with. In a single year, investment managers typically conduct 11,000 transactions on behalf of a small pension plan with over \$200 million in financial

transactions. Under this bill, they would have to compile and report to the government literally thousands of payments in excess of \$5,000 to their beneficiaries, all publicly done.

The sheer amount of information a union would be required to disclose is absurd. Should this bill pass as is, unions would be required to disclose over 20 pieces of information. Subsection 149.01(3) adds “any other prescribed statements,” I might add, so that leaves the amount of information in an open-ended state.

This government has said it is against red tape. Yet too often organizations that happen to fall out of their ideological scope find themselves buried in red tape. Due to this red tape, Bill C-377 would be very expensive to administer, and the costs would fall on the Canadian taxpayer. With over 25,000 unions and labour organizations representing over 4 million Canadians, the set up and administration costs would fall in the millions of dollars.

The Canadian Bar Association has said, “It is difficult to see what issues or problems this bill is trying to fix.” I say, why burden the taxpayers with unnecessary expense?

Furthermore, the bill flies in the face of our international obligations under Article 3 of the International Labour Organizations Convention 87. Canada ratified this convention in 1972. Under this article, unions would have the full freedom to organize their administrative activities, and public authorities should refrain from any interference that restricts this right.

I also want to mention some underlying consequences of the legislation. As I have stated previously in this chamber, income inequality in Canada is a real threat to our social fabric and to our social cohesion. This widening gap between the rich and the rest is a looming crisis. A society in which a small group is benefiting unfairly can lead to dissension, increases in crime, loss of participation and isolation.

The erosion of unions over the last three decades has been a significant factor in rising income inequality and depressing wages for middle-class Canadians. Since the 1980s, there been a steady decline in the rate of employed Canadians in unions. This is particularly evident in the private sector, where unionization rates have declined by 20 per cent over that time. This trend has corresponded with a dramatic increase in the amount of wealth going to the top 10 per cent of income earners here in Canada over the last 30 years.

In March of this year, the International Monetary Fund took note of this strong correlation between unionization and economic equality. In its report, the IMF noted:

... we find strong evidence that lower unionization is associated with an increase in top income shares in advanced economies during the period 1980–2010 ... thus challenging preconceptions about the channels through which union density affects income distribution.

Given these facts, further hindering unions, which this bill does, should be troublesome to all Canadians. By further weakening unions, we are promoting a race to the bottom in wages for

Canadians. Unions are a fundamental force for greater income equality at the national and local level. A union uses its collective bargaining powers to secure decent-wage jobs which can sustain a good standard of living. This is essential for building a strong middle class, which seems to be the political jargon that all parties are using nowadays.

In simple terms, people who have good wages can buy things without over-leveraging themselves in debt. That is good for the household and essential for business growth. We should not support this bill. It further hurts unions, hurts business and hurts our economy.

Senator Ringuette: Will the honourable senator take a few questions?

Senator Eggleton: Absolutely.

Senator Ringuette: Senator, some of our colleagues on the other side have talked much about the political implications of unions. I want to read to you an excerpt from an article dated May 26, 2015. Actually, it's two different articles. It relates to a lady named Catherine Swift. Many of us know her very well. She is the chair of the Canadian Federation of Independent Business, and she was also a member of the C.D. Howe Institute. The article says that in an interview before her resignation was announced at C.D. Howe, Swift declined to reveal the identity of the donors to the organization called Working Canadians, which funded the radio ads, the political ads, the video ads and so forth. This Working Canadians organization, whose donors the chair does not want to name, is one of the proponents, with Merit, of this bill.

How do you feel about Merit Canada and Catherine Swift having put together this organization and not wanting to reveal who the donors are? It's a tax-free organization also. They don't want to reveal the donors, and yet they are the proponents of revealing income of \$5,000 for hard-working Canadians. How can you justify and ascertain people like that who want to point the finger at hard-working Canadians on the one side, but no, their non-profit, non-tax-paying organization will not say who their donors are. How do you react to that, Senator Eggleton?

Senator Eggleton: I think it's an excellent example of hypocrisy. Here we have an organization which is out there. It may have an independent name, but it's obviously there to benefit the Conservative Party. I heard the ads. They attacked Trudeau, just like the Conservative ads do. Now, you can say it might be the NDP, except that Merit Canada happens to be an organization that opposes unions. I think it's out there for the benefit of the Conservative Party.

But you know what? Why wouldn't that be revealed? What's good for the goose is good for the gander, don't they say? Why should we not know that kind of information? To not know it and to just pick on the unions here, and particularly some people who are getting as little as \$5,000, as you point out, in pension funds or whatever, I think is just a clear case of hypocrisy.

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

• (1750)

Motion negatived on the following division:

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Senator Bellemare, seconded by Senator —

Some Hon. Senators: No.

Hon. David P. Smith: I'll take the adjournment in my name.

The Hon. the Speaker *pro tempore*: I'm sorry, Senator Smith. It was moved by the Honourable Senator Smith, seconded by the Honourable Senator Cordy, that further debate be adjourned until the next sitting of the Senate.

Some Hon. Senators: No.

Some Hon. Senators: Now.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: All those in favour please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those not in favour please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: I see several people rising. Have the whips come to an agreement?

Hon. Elizabeth (Beth) Marshall: One hour.

The Hon. the Speaker *pro tempore*: There is a one-hour bell, senators. We will reconvene for a vote at ten minutes to six.

YEAS THE HONOURABLE SENATORS

Baker	Hubley
Campbell	Jaffer
Chaput	Lovelace Nicholas
Cordy	Massicotte
Cowan	Merchant
Dawson	Mitchell
Day	Moore
Downe	Ringuette
Dyck	Sibbeston
Eggleton	Smith (<i>Cobourg</i>)
Fraser	Tardif
Hervieux-Payette	Watt—24

NAYS THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Nancy Ruth
Batters	Neufeld
Beyak	Ngo
Carignan	Ogilvie
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Enverga	Poirier
Fortin-Duplessis	Raine
Gerstein	Rivard
Greene	Runciman
Lang	Seidman
LeBreton	Smith (<i>Saurel</i>)
MacDonald	Stewart Olsen
Maltais	Tannas
Marshall	Tkachuk
Martin	Wells
McInnis	White—39
McIntyre	

ABSTENTIONS THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, resuming debate.

Some Hon. Senators: Question.

Hon. Wilfred P. Moore: On debate.

The Hon. the Speaker: On debate.

Senator Moore: Colleagues, I support the thinking here and the motion of Senator Ringuette to refer this matter to Committee of the Whole, but I do not agree that we need to wait two days after the motion has passed before resolving ourselves into Committee of the Whole.

MOTION IN AMENDMENT

Hon. Wilfred P. Moore: Therefore, in amendment, I move:

That the motion of the Honourable Senator Ringuette be not now adopted but that it be amended by replacing the word “second” with the word “first”.

The Hon. the Speaker: It is moved by the Honourable Senator Moore, seconded by the Honourable Senator Dawson, in amendment:

That the motion of the Honourable Senator Ringuette be not now adopted but that it be amended by replacing the word “second” with the word “first”.

On debate?

The Hon. the Speaker: On debate?

Some Hon. Senators: Question!

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

All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: Clearly, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Please call in the senators.

Do we have agreement on a bell?

Senator Hubley: Pursuant to rule 9-10, the vote will be deferred to the next sitting of the Senate.

The Hon. the Speaker: Senator Marshall, do you agree to defer?

Senator Marshall: Now.

Some Hon. Senators: Now.

The Hon. the Speaker: Honourable senators, if there is no agreement, it will be a one-hour bell —

Some Hon. Senators: No!

Senator Campbell: All right, now we got some action. This is what we like: the give and take.

The Hon. the Speaker: Excuse me. Apparently, I made a mistake. There is a right to defer the vote until tomorrow at 5:30 p.m.

BUSINESS OF THE SENATE

ADJOURNMENT

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn.

Some Hon. Senators: No.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Carried. No? They refused. Sorry.

All those in favour of the motion please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there agreement on a bell?

An Hon. Senator: One hour.

The Hon. the Speaker: The vote on the motion to adjourn will be at 7 o'clock.

- (1900)

Motion agreed to on the following division:

Maltais
Marshall
Martin

Tkachuk
Wells
White—42

YEAS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Bellemare
Beyak
Black
Carignan
Dagenais
Day
Doyle
Eaton
Enverga
Fortin-Duplessis
Gerstein
Greene
Lang
LeBreton
MacDonald

McInnis
McIntyre
Mockler
Nancy Ruth
Neufeld
Ngo
Ogilvie
Oh
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas

NAYS
THE HONOURABLE SENATORS

Baker
Cordy
Cowan
Dawson
Downe
Dyck
Eggleton
Fraser
Hervieux-Payette

Hubley
Jaffer
Mitchell
Moore
Sibbeston
Smith (*Cobourg*)
Tardif
Watt—17

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

(The Senate adjourned until tomorrow at 9 a.m.)

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