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(HANSARD)

Tuesday, June 30, 2015

The Honourable LEO HOUSAKOS
Speaker

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THE SENATE

Tuesday, June 30, 2015

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

Prayers.

SENATORS' STATEMENTS

CANADA DAY

ONE HUNDRED AND FORTY-EIGHTH BIRTHDAY

Hon. Carolyn Stewart Olsen: Honourable senators, I am thrilled today to stand in recognition of Canada's one hundred and forty-eighth birthday, as we count down towards our one hundred and fiftieth.

We are a relatively young country, but we have much to be proud of. Canada Day is a special time to celebrate who we are as a people and reflect on the journey that brought our country to where it is today.

It is important to remember that the greatness of our country is directly related to the sacrifices of our men and women in uniform, past and present. Their courage in World War I, World War II, Korea, Afghanistan, Iraq and Ukraine has enshrined the freedoms that we hold so dear.

When Canada joined her Commonwealth allies in battle in 1914, our population was beneath 8 million. It is astounding that 650,000 brave young Canadians joined in the defence of freedom in Europe, and by extension, our freedoms here at home.

Our casualties were startling: Over 68,000 would never return, and 170,000 suffered injuries that changed their lives forever.

This experience, resilience and perseverance gave rise to a new Canadian pride and identity. It might well be called the "Canadian dream," a dream that was born on our shores but then cultivated at battles like the Somme, Passchendaele and Vimy.

Canada has never shied away from helping others, and we realize that peace around the globe is also necessary for our peace here at home.

Let us all commit, as proud Canadians, to refocusing our minds and hearts towards the ultimate sacrifice made by our own Armed Forces. They have contributed to the cause of a safer world and a more secure future here at home.

I firmly believe that for Canada the best is yet to come. May our country continue to be strong, proud, independent and free.

God bless Canada.

Hon. Senators: Hear, hear!

MONTREAL'S MUSEUMS

Hon. Diane Bellemare: Honourable senators, I want to take the opportunity of our imminent break for summer 2015 and invite you all to Montreal so that you can have the chance to visit our museums and to at least see these must-see exhibitions.

[Translation]

The Montreal Museum of Fine Arts is currently hosting an exhibition called "Metamorphoses: In Rodin's Studio" until October 18, 2015. The exhibition is produced and circulated by the Montreal Museum of Fine Arts in collaboration with the Musée Rodin, in Paris, and features 300 of Rodin's works, including his greatest masterpieces. This is a first for Canada and the first time a number of Rodin's sculptures are being presented in North America.

I also invite you to visit the Musée d'art contemporain de Montréal, which is steps away from the Museum of Fine Arts. There you can admire the work of an internationally renowned Canadian artist that some describe as the Rodin of the 21st century. He is Quebec sculptor David Altmejd.

One of his bronze sculptures stands on permanent display in front of the Bourgie Pavilion at the Museum of Fine Arts. It is a 14-foot angel returning injured from who knows where — perhaps from some battle — whose posture reflects the fragility of humankind. That is my interpretation of this work, which has moved many, from what I have seen.

The Musée d'art contemporain has put on a retrospective of the works of this young artist who turns 41 on July 2. The retrospective was first presented at the Musée d'art moderne de Paris, last October, and at Mudam, in Luxembourg. The Montreal exhibition also presents previously unshown works.

Who is David Altmejd? He is a modern Quebecer, rather shy, who takes on the grandeur of his active imagination. He was born in Montreal to a Jewish Polish immigrant father, Victor Altmejd, who chose francophone Montreal in 1969, and a mother who couldn't be more of a Quebecer, Danièle Laberge, whose Quebec ancestors go back to the 17th century. David Altmejd studied art at UQAM and completed his master's degree at Columbia University in New York. He currently lives and works in New York City. He still speaks English with a slight Quebec accent.

He represented Canada at the 52nd Venice Biennial in 2007. He was the youngest Canadian artist invited to exhibit at the pavilion. He won the prestigious Sobey Award in 2009. He participated in the 8th International Istanbul Biennial in 2003, the Whitney Biennial in New York in 2004, and the Musée d'art contemporain's first Triennial in 2008. His works appear in numerous collections in Canada, the United States, France, Luxembourg, Belgium and elsewhere. In 2015, he was made a Companion of the Ordre des arts et des lettres du Québec.

I want to conclude by saying that David Altmejd is a great artist as well as a modest human being. I have known him for a long time because he is my husband's son and half-brother to my two sons.

I encourage you to go check out his work and take the opportunity to admire the work of another Montreal artist, Jon Rafman, at the same museum.

Thank you, dear colleagues.

Hon. Senators: Hear, hear.

[English]

QUESTION PERIOD

NATIONAL REVENUE

PROPOSED AMENDMENTS TO INCOME TAX ACT— BILL C-377—UNIONS—DISCLOSURE OF INFORMATION

Hon. James S. Cowan (Leader of the Opposition): My question is for the Leader of the Government in the Senate.

Leader, yesterday in Question Period, I listened carefully to your answers to Senator Jaffer and Senator Munson, and to the remarks Senator Plett made with respect to Bill C-377. Both of you studiously avoided any discussion or mention of the specifics of the application of the term “labour trust” as defined in Bill C-377.

The Investment Funds Institute of Canada and the Canadian Life and Health Insurance Association would hardly be described as being unions. They both said that thousands of mutual funds will fall under the definition of “labour trust,” and with that, the full range of reporting and disclosure requirements that are set forth in Bill C-377.

• (1410)

They say that this means senior executives of investment companies will be required to provide disclosure with respect to their own situation, and there will also be administrative charges with respect to RRSPs and TFSA's that will be passed on to the holders of those types of investments.

In fact, the Canadian Life and Health Insurance Association has said that the disclosure obligations in the bill will apply to the millions of Canadians who simply own shares of a mutual fund. That is, millions of Canadians who have no membership in or no connection to a labour union will have their names and personal information posted on the Internet for the world to see.

On behalf of the government, which is railroading this bill through the Senate, will you confirm directly to Canadians that the names and financial information of millions of Canadians

who happen to be investors in RRSPs or holders of TFSA's will not appear on the Internet simply because they invested in mutual funds or TFSA's? Will you confirm that — yes or no?

[Translation]

Hon. Claude Carignan (Leader of the Government): The debate on Bill C-377 will continue today after Question Period, and then we will vote on it.

We support Bill C-377 because it is a reasonable measure designed to increase union transparency. We think it is important for members and workers who pay union dues to know what union leaders are doing with their money.

It is perfectly legitimate, particularly since, over the past few days, we have seen an announcement on Twitter, including on the FTQ Nouvelles feed, about training to prepare for the federal election on October 19.

I know you won't be happy to hear this, but on its Twitter feed, TUAC Québec indicated the following, and I quote:

On June 29, 2015, more than 80 members of AIMTA and TUAC, as well as 18 NDP MPs and candidates, participated in a political action day organized by the FTQ's information services team. We are working together to have the first majority NDP government voted into the House of Commons.

I know you won't be happy to hear this either, but I'd like to reiterate that workers have the right to know what union leaders are doing with their union dues.

[English]

Senator Cowan: All of that is very interesting, Senator Carignan, but it's completely irrelevant. It had nothing whatsoever to do with my question.

My question had to do with whether or not you agree — you, the representative of the government, you, the representative forcing your folks over here to stand behind you to force this bill through today — with the position of the Investment Funds Institute of Canada and the Canadian Life and Health Insurance Association. Their opinion is that the way the phrase “labour trust” is drafted in your bill will result in the names and personal financial information of millions of Canadians, who do not belong to any labour union and have no connection at all with any labour union, appearing on the Internet simply because they invested in a mutual fund. Is that the position your government is supporting in this bill?

I don't care about the other stuff you're talking about. It has nothing to do with this question. I want a specific answer to that specific question — yes or no.

[Translation]

Senator Carignan: Senator, I'm surprised to hear you say that you don't care about the rest of the bill. Senators on this side of the chamber think that the bill is important because it contains

reasonable measures to improve union transparency. Since unions can use the Rand formula to require workers to pay union dues whether they are members of the union or not, the least those unions can do is to be more transparent and show workers that union leaders' spending is legitimate.

That applies to most public institutions where, every time there is a benefit — whether it is a tax benefit or one prescribed by a law, bylaw or regulation that requires an individual to make a contribution or pay an amount of money to a professional or public organization or an institution — there is also an obligation to be more transparent. Canadians, especially employees, have the right to know what union leaders are doing with their money.

[English]

Senator Cowan: Once again, you haven't answered the question, so I will put it this way. I will give you this opportunity.

People out there are being told by the Investment Funds Institute of Canada and the Canadian Life and Health Insurance Association that simply because they invest in mutual funds or TFSAs, they run the risk — because of the definition in your bill — of their names and personal financial information being posted on the Internet. Do you support that position?

We're not talking about union bosses. We're not talking about the expenditure of union funds. These are individual Canadians who invest in mutual funds that are held in their RRSPs, who invest in TFSAs, which your government is pushing for Canadians to invest in. These organizations, who are experts in this field, say that the way this definition is drafted will catch millions of Canadians.

I'm asking you, as the representative of the government in this chamber, to either confirm that that's the case or to relieve them of their concerns so they don't need to be concerned about that. Are these organizations right or wrong in their interpretation — yes or no?

[Translation]

Senator Carignan: Senator, as the Leader of the Government I am here to answer questions about government business. I am not here to judge the interpretation of a provision.

There is debate about interpretation and the possible interpretation of a provision. If you had a concern, you only had to propose an amendment to the bill; we would have studied it at the appropriate time as part of the Orders of the Day.

With respect to your question as to why the government moved the motion, it was in order to ensure that a vote would be held, thus signalling to Canadians that the Senate is taking action to ensure that employees will know what union leaders are doing with their money, because of greater transparency.

[English]

Senator Cowan: Senator Carignan, I don't know whether it's a question of translation or what it is. I'm not talking about union funds or union membership. I'm talking about ordinary

Canadians, millions of them, who have investments in RRSPs and TFSAs. These organizations are telling them that they will be caught by the provisions in the bill that you're forcing through this Senate.

Let me ask it this way: As Leader of the Government in the Senate, spokesperson for your government in this chamber, does your government support the position that individual Canadians who are investors in TFSAs, RRSPs and mutual funds ought to have their personal financial information posted on the Internet? Do you support that position or do you not?

• (1420)

[Translation]

Senator Carignan: Senator, I'm not sure if there was a problem with the simultaneous interpretation, but I thought I heard you say that we rushed consideration of this bill. However, this bill was introduced in the House of Commons for the first time in 2011, and it came before our chamber in December 2012. It must be a problem with the simultaneous interpretation. I couldn't possibly have heard the word "rushed." That's impossible.

What I am saying, senator, and what's clear is that the government's objective is to ensure that the Senate can vote on this bill. If you don't agree with this bill, of course, you can vote against it. We have had the opportunity to debate it. You had the opportunity to propose a number of amendments, some of which were intended to determine whether we would study the bill and, if so, if it would be in two or three days, in Committee of the Whole or at the Standing Senate Committee on Legal and Constitutional Affairs.

Listen, you decided to debate it and to use the time allocated for debate to determine whether we were going to examine it at the next sitting or in two days. That is your right. If you had had legitimate points to raise or questions to ask, you could have asked the various witnesses who appeared before the committee that examined the bill. If you wanted to obtain legal opinions on the interpretation of the bills, I'm sure you know some good law firms that could have provided those opinions. I'm not here to provide you with legal opinions. In any event, if I wanted to do so, even free of charge, the code of ethics of the Leader of the Government in the Senate prohibits me from doing so.

I am expressing the government's clear intention to ensure that unions are more transparent about how they spend unionized workers' money. Workers who are required by law to pay union dues have a legitimate right to enjoy greater transparency and know what union leaders are doing with their money.

[English]

Senator Cowan: Senator Carignan, I did not ask you for a legal opinion. I asked you for the opinion of your government. You are the spokesperson for your government in this chamber. Your government is trying to push this bill through the Senate using illegitimate means to do so. If you wanted to bring this bill forward as a government bill, you could have done so.

[Senator Carignan]

You'll understand, Senator Carignan, that your refusal to answer the direct questions that I posed to you, that Senator Jaffer posed to you and that Senator Munson posed to you can lead to only one conclusion: that you are not prepared to assure millions of Canadians that they won't be caught up in this poorly drafted statute. Ordinary Canadians don't need a legal opinion to come to that conclusion.

So, Senator Carignan, I'll give you one last opportunity. Your failure to clear this up will lead Canadians to believe only one thing, that you will not deny that they will be caught up in this poorly drafted statute. One last chance.

[Translation]

Senator Carignan: You need not be so upset. I thought you were asking me for a legal opinion.

However, I believe that what is clear is our intention to ensure that unions that receive union dues, paid under the law by members and non-members of an association, are required to disclose to workers what they are doing with their money.

[English]

Hon. Wilfred P. Moore: I have a supplementary question. Maybe I can help out here, Senator Cowan.

Honourable leader, like me and others here in the chamber, you probably have investments in mutual funds and Tax-Free Savings Accounts. Do you expect your name to be published with all your details?

[Translation]

Senator Carignan: Because I am a senator, a lot of information about me is published. The interesting thing — and this has always surprised me — is that when I was appointed leader, I had an account where all my investments were posted. At the time, I had 44 shares in Québecor that I was required to sell. I am still surprised to see that the PQ leader — who controls that company — is not being forced to sell his shares. It is a good company, though. I would have liked to keep investing in it, but I was required to invest in blind mutual funds, unfortunately. Those investments are performing well, nonetheless.

That being said, senator, I think that when a union benefits from a tax privilege, when it benefits from a law that forces employees to pay union dues, the least it can do in return is tell those employees what the union leaders are doing with their money. That is completely legitimate.

[English]

Senator Moore: Are you telling the chamber and all Canadians that you are going to be comfortable with and willing to have your name and your personal investments published under a Tax-Free Savings Account or mutual fund arrangement?

[Translation]

Senator Carignan: Yesterday I used the example of a municipal employee. I said that if I were a municipal employee, anyone could see my tax account, how much I pay, and even if I was in

arrears. All of that information is on municipal websites. The same goes for all municipal transactions, including purchases of anything from a pack of gum to a lawn mower. That is public information, and people have a right to that information when they do business with a public organization. This transparency requirement comes from the fact that that corporation, that institution, can force someone to pay money under the law.

Therefore, any time an association, institution or organization benefits from the law and it can force someone under the law to pay money, in this case union dues, it is entirely appropriate that there be greater transparency in return. The employees, the unionized workers, whether they are members of the association or not, should therefore be able to access information regarding how the union leaders are spending their money.

[English]

THE SENATE

ARBITRATION FOR SUSPENDED SENATOR

Hon. Percy E. Downe: I read with interest your interview with Elizabeth Thompson from iPolitics. It's my understanding that when the election is called, Senator Wallin will become a full senator again with salary and office — all the benefits the rest of us enjoy.

Why would she not, in your opinion, be allowed to take advantage of the arbitration that the rest of us have the option for now?

[Translation]

Hon. Claude Carignan (Leader of the Government): I will certainly be ready to return to practising law. Here is someone else asking me for a legal opinion. As you know, as Leader of the Government in the Senate, I cannot do both. If I weren't the Leader of the Government in the Senate, I could give you a legal opinion, but right now, I cannot.

With respect to the procedure that was instituted, the Senate adopted measures, and I think it's entirely appropriate for us to follow them.

[English]

Senator Downe: I wasn't asking for a legal opinion, but you indicated to the media — if your colleagues haven't read it, they can read the interview you had with Elizabeth Thompson from iPolitics.

I fail to understand the distinction between the suspended senator that she is now and the full senator she will become the day the election is called. I'm speaking of Senator Wallin here. There are two sets of roles. The rest of us will have certain rights, and when she becomes a full senator, she won't have those same rights.

You indicated in the interview that you would not allow the arbitration procedure to be made available to her. I'm wondering why.

[Translation]

Senator Carignan: Senator, the Senate already determined how much Senator Wallin owed, and she reimbursed that amount. You were here when we adopted the new arbitration procedure proposed by Internal Economy.

• (1430)

I think it's completely inappropriate to re-examine all of the cases in which a decision was already made under the existing process. Do you think we should appeal the decisions the Senate made about Senator Lavigne?

[English]

Senator Downe: I would like to question the due process and the presumption of innocence that most Canadians have. I'm no friend of Senator Wallin's, but I'm a friend of justice and due process.

Some Hon. Senators: Oh, oh!

Senator Downe: I'm not. We were on a committee, but I'm speaking for the principle. The principle is this: She has been away from this Senate for two years. She has not been charged with anything. She has received no salary in that time. Is that fair, in your opinion?

[Translation]

Senator Carignan: Senator, I get the feeling that I'm right back where I started. I'm once again explaining the difference between the disciplinary process, the civil process and the criminal process. Senator Wallin was suspended as a result of the Senate's disciplinary process. You're referring to an arbitration process within the realm of the civil process. Senator, I think it's important to distinguish between the civil aspect, the disciplinary aspect and the criminal aspect.

Since it's not my role as Leader of the Government in the Senate to give you a legal opinion on that distinction, I would invite you to consult the table officers or our Law Clerk, whom you know well and who can help you distinguish among the three.

[English]

Hon. Jim Munson: Supplementary question, Mr. Leader. Why are you and other senators getting arbitration and Senator Wallin is not?

An Hon. Senator: Oh, good question.

[Translation]

Senator Carignan: Senator, I am not participating in the arbitration process, so I have no idea why you said that.

[Senator Downe]

[English]

Senator Cordy: He's eligible.

INTERNATIONAL TRADE

SAUDI ARABIA—ARMS SALES— ANTI-TERRORISM STRATEGY

Hon. Joseph A. Day (Acting Deputy Leader of the Opposition): Thank you, Mr. Speaker. My question is for the Leader of the Government in the Senate.

A citizen of Ottawa, Michelle Walrond, is the mother of a radicalized man who stood up in a local mosque and hailed the killing of Corporal Nathan Cirillo as an heroic act. She said it was:

... because of the Saudi billions used to fuel their politically motivated propaganda machine, it is most prolific and ubiquitous. And it is the ideology that my son was taught right here in Ottawa.

Now, in *The Globe and Mail*, on June 25, an article indicated:

The Canadian government carefully courted Saudi Arabia in the years leading up to an unprecedented \$15-billion arms sale to Riyadh brokered by Ottawa that remains shrouded in secrecy . . .

The question I have is, first, is the sale of arms internationally a new area of business that we're trying to get ourselves into in a big way here, according to our current government? Second, what due diligence did we do before agreeing to a \$15-billion arms sale to Saudi Arabia, having in mind the effect of their investment here in Canada?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, our government brought in tough measures to combat radicalization.

Senator Mockler: Right.

Senator Carignan: That is a major pillar of our anti-terrorism strategy. As you may know, senator, we introduced Canada's first anti-terrorism strategy: Building Resilience Against Terrorism. This four-pillar approach consists of preventing, detecting, denying and responding to activities that constitute terrorist threats.

Furthermore, the RCMP has developed a program to counter violent extremism and is working with local law enforcement partners to prevent individuals from participating in terrorist activities or other criminal activities. We have also passed laws such as Bill C-51. Unfortunately, you voted against that bill, but it is a bill that clearly seeks to reduce and prevent the threat.

[English]

Senator Day: Thank you for your answer. *The Globe and Mail*, again, on May 20 — thank goodness for *The Globe and Mail* — had the following article:

Canada's Department of Foreign Affairs has not done a human rights assessment of Saudi Arabia in the past two years . . .

Since the government refuses to do a human rights report on Saudi Arabia, here is a summary of what Human Rights Watch has reported in relation to Saudi Arabia:

Saudi Arabia continued in 2014 to try, convict, and imprison political dissidents and human rights activists solely on account of their peaceful activities. Systematic discrimination against women and religious minorities continued. Authorities fail to enact systematic measures to protect the rights of 9 million foreign workers. As in past years, authorities subjected hundreds of people to unfair trials and arbitrary detention. New anti-terrorism regulations that took effect in 2014 can be used to criminalize almost any form of peaceful criticism of the authorities as terrorism.

Before we proceed with a \$15-billion sale of arms to Saudi Arabia, can you confirm that we will ensure that human rights are being respected in that country?

Some Hon. Senators: Hear, hear.

[Translation]

Senator Carignan: Senator, this export contract is the largest in Canadian history. It will create and maintain 3,000 direct jobs in the advanced manufacturing sector in southwestern Ontario. It will also create thousands of indirect jobs in southern Ontario and across the country as a result of a supply chain that includes 500 companies from coast to coast.

Export permits are approved only when they comply with Canadian foreign affairs and defence policies, which obviously address human rights. That applies to this contract, and there is a separate assessment for that. This assessment looks at human rights at the national level. Under the strong leadership of the Prime Minister, we will continue to stand up for thousands of workers in the manufacturing sector, unlike your leader, Justin Trudeau, who has shown that he is not ready to govern and is ignoring the people of southwestern Ontario.

Canada already has one of the most rigorous export control systems in the world. Canada signed an arms trade treaty. With this treaty, other countries will align themselves with our strict export control standards. We will continue to consult stakeholders and experts to ensure that the treaty does not affect responsible, law-abiding gun owners.

[English]

Senator Day: Have you told a few thousand people in southwestern Ontario that for the employment they are getting, they are sacrificing Canada's international reputation as a defender of human rights and that they are jeopardizing the lives of over 9 million people working in Saudi Arabia?

[Translation]

Senator Carignan: Senator, again, the permits are approved only on condition that Canadian foreign affairs and defence policies are respected, and that includes human rights. I would ask you to please stop misinterpreting what I am saying.

• (1440)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the Governor General's Gallery. All the way from New South Wales, Australia, Mr. Michael and Adrian Quilter are the guests of the Honourable Senator Mockler.

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

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that my colleague opposite and I have come to an agreement to move the time for the deferred standing vote on Motion No. 117 from 5:30 p.m. to 4:30 p.m.

Therefore, I ask for leave of the Senate to hold the vote at 4:30 p.m., with the bells to ring at 4:15 p.m. for 15 minutes.

Hon. Joseph A. Day (Acting Deputy Leader of the Opposition): Your Honour, in the interests of cooperation and goodwill leading into the summer months, I confirm this agreement.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Since leave has been granted, the deferred vote on Motion No. 117 will therefore be at 4:30 p.m., with the bells to ring at 4:15.

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of June 29, 2015, moved:

That, when the Senate next adjourns after the adoption of this motion, it stand adjourned until Tuesday, September 22, 2015, at 2 p.m.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division.)

CANADIAN COMMISSION ON MENTAL HEALTH AND JUSTICE BILL

NINETEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Dagenais, for the adoption of the nineteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-208, An Act to establish the Canadian Commission on Mental Health and Justice, with a recommendation), presented in the Senate on April 1, 2015.

Hon. Elizabeth (Beth) Marshall: I would like to move the adjournment in my name.

(On motion of Senator Marshall, debate adjourned.)

GENETIC NON-DISCRIMINATION BILL

ELEVENTH REPORT OF HUMAN RIGHTS
COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Demers, for the adoption of the eleventh report of the Standing Senate Committee on Human Rights (Bill S-201, An Act to prohibit and prevent genetic discrimination, with amendments), presented in the Senate on February 19, 2015.

Hon. Yonah Martin (Deputy Leader of the Government): I move the adjournment of the debate.

(On motion of Senator Martin, debate adjourned.)

[Translation]

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—TWENTY-FOURTH REPORT
OF LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE—MOTION IN AMENDMENT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Batters, for the adoption of the twenty-fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity), with amendments*), presented in the Senate on February 26, 2015;

And on the motion in amendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Dyck, that the twenty-fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted, but that it be amended by deleting amendment No. 3.

Hon. Claude Carignan (Leader of the Government): I move adjournment of the debate in my name.

(On motion of Senator Carignan, debate adjourned, on division.)

[English]

STUDY ON SECURITY CONDITIONS AND ECONOMIC DEVELOPMENTS IN THE ASIA-PACIFIC REGION

TWELFTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE AND REQUEST
FOR GOVERNMENT RESPONSE—DEBATE
ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Securing Canada's Place in Asia-Pacific: a Focus on Southeast Asia*, tabled in the Senate on June 29, 2015.

Hon. A. Raynell Andreychuk moved:

That the twelfth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Securing Canada's Place in Asia-Pacific: a Focus on Southeast Asia*, tabled in the Senate on

Monday, June 29, 2015, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as the minister responsible, in consultation with the Minister of International Trade and the Minister of International Development, for responding to the report.

She said: In light of the time constraints that we have, this report really deserves a long discussion here. However, it might be appropriate, on behalf of the committee, to ask all colleagues to take time this summer to read our report, *Securing Canada's Place in Asia-Pacific: a Focus on Southeast Asia*.

It presents the key findings of the committee's study of the economic developments and political and security conditions in the Asia-Pacific region, and their implications for Canadian policy and interests.

The genesis of this study was rooted in previous committee studies on the emerging countries of Brazil, Russia, India and China, known as the BRIC countries, and Turkey in the new global economy.

India and China, on which the committee reported in 2010, remain critical to Canada's engagement in the region. But there are also specific opportunities to leverage Canadian advantages in Southeast Asia and through the structures of the Association of Southeast Asian Nations.

The ASEAN region combined is Canada's seventh-largest trading partner. ASEAN itself is pursuing work in a wide range of areas, including economic integration and strengthening infrastructure and connectivity between its members. It is working to, first, mitigate the effects of natural disasters; second, narrow the development gap between member states; and third, emphasize ASEAN centrality both among member states and in terms of regional cooperation.

It is widely understood that Asia-Pacific is growing economically at a rapid pace. What is less appreciated, however, are the geostrategic changes that are taking place in the region.

The study underlines that the global balance of power is rebalancing towards the Asia-Pacific region. This shift will have profound implications for Canada's prosperity, domestic and foreign policies, as well as its place in the international system.

The growing assertiveness of China and countries within the ASEAN are significantly affecting security conditions in the region and international trade and commerce.

The committee focused on the four Southeast Asian countries of Indonesia, Burma, Singapore and the Philippines. These countries illustrate the diversity of Southeast Asia, including not only the region's economic prospects but also its social, political and security challenges.

• (1450)

The committee's recommendations deal with many specific areas and require collaboration and engagement in these countries.

I would like to thank all the witnesses that appeared before our long study. Over 90 representatives of Canadian business, academia, think tanks and government appeared before the committee during 33 hearings in Ottawa.

The committee held an additional 20 meetings during our fact-finding mission to Indonesia and Singapore in February 2015. Interlocutors in these meetings included Canadian businesses active in the region, government officials, senior political leaders, parliamentarians, academics and others.

I would like to thank committee members for their hard work on this study, which began in May of 2013. I particularly want to thank my deputy chair, Senator Downe, for the collegial way we approached this massive study. It took long hours and a lot of thought into the selection of our witnesses and the study itself. I think that the atmosphere in the committee was extremely collegial, as I have said, but also committed to this very broad topic.

Each senator on the committee, and I want to thank all of them, brought their own perspectives and contributed to this report. All of them will see something of their ideas within this long, virtually 100-page report.

I would also like to thank the committee staff. In particular, I note Natalie Mychajlyszyn, and I wish her well in her recovery. I would also like to thank Brian Hermon and James Lee for their continual support to the committee and for stepping into the breach when Natalie could not be with us.

As usual, our clerks Adam Thompson and Mark Palmer were invaluable in their support.

Overall, the committee concludes that the Government of Canada must recognize the geostrategic transformation of the Asia-Pacific region. Canada must play a long-term, holistic and meaningful role in the region. I hope our study will contribute toward Canadian policy in Asia-Pacific and in Southeast Asia, more particularly.

I know our committee looks forward to following the developments in the region and in Canada's relations with ASEAN countries and structures in the months and years to come.

I would have covered some human rights issues, but we do have another motion to do with the Rohingya. If time permits, I would like to elaborate on that issue when that motion comes forward.

Thank you, honourable senators, and I urge adoption of the report.

Hon. Joseph A. Day (Acting Deputy Leader of the Opposition): I thank Senator Andreychuk for her brief resume of the report. I can hardly wait to read it this summer — a hundred pages in an area that I'm very interested in, as you know.

I have no doubt that the deputy chair, Senator Downe, will want to comment on this report. Therefore, I move the adjournment of the matter in Senator Downe's name.

Senator Andreychuk: I wouldn't want to contradict you, but I have had conversations and we were ready to adopt the report. Senator Downe had indicated that. Perhaps he had a change of mind.

Senator Cowan: He didn't mention that. Maybe he will come, and we can revert.

Senator Day: Yes, we can revert as soon as he comes back in.

The Hon. the Speaker: Do you move the adjournment of debate?

Senator Day: Yes, Your Honour.

(On motion of Senator Day, for Senator Downe, debate adjourned.)

[Translation]

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE MODERNIZATION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Joyal, P.C.:

That a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective, more transparent and more responsible, within the current constitutional framework, in order, in part, to increase public confidence in the Senate;

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

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than December 31, 2015.

Hon. Serge Joyal: Honourable senators, as you recall, this motion was moved by the late Senator Nolin.

[English]

I would like today to use the opportunity of our last sitting to remind you of the contribution and the debt that I think we owe to the late Senator Nolin. He had been sitting with us in the Second Session of the Forty-first Parliament as Deputy Speaker and then Speaker. I personally had the privilege of becoming a friend of his, even though we were aligned in different parties.

I will always remember that in 1995, when we had to face a referendum in Quebec, there was a "no" committee and a "yes" committee. He happened to chair the "no" committee, with me representing the Liberal Party and him of course the Progressive Conservative Party, joining in our personal effort to fight for Canada.

I was listening to Senator Stewart Olsen earlier today during Senators' Statements, and the image of soldiers in trenches came to my mind. The thought of Senator Nolin came back to me because we were really soldiers in trenches at that time. As you know, we fought very strongly for Canada in those days. You know the end result of the referendum. We came within a hair of losing the country.

I wish today to remind you what we owe to Senator Nolin as a true Canadian and a formidable senator, never negating his allegiance to the PC Party and the Tories. I fully respect and recognize that.

At a point in time, he made a distinction between party allegiance and party discipline. By party discipline, I mean of course the whip and the fact that a member would not be free to vote his mind, his convictions and his personal involvement in policies and issues. We all know how Senator Nolin felt about that. It is not, in fact, allegiance to a party that can be an obstacle to being independent. It is the fact that at a point in time it might blur the opinion of somebody to a point whereby the person is led to vote contrary to what the person feels and is convinced about standing for.

The motion is on the Order Paper, and today is the last day.

[Translation]

I would really like to say a few words because Senator Nolin and I discussed this. Of course, we realized that there were concerns on both sides about this motion to create a committee made up of senators to, as the motion states, consider methods to

make the Senate more effective, more transparent and more responsible, within the current constitutional framework, in order, in part, to increase public confidence in the Senate.

[English]

I think that the objective of the motion is still very valid. Certainly none of us will feel any reserve in regard to the obligation we will have in the next Parliament to address the issue front and center. When I discussed that with Senator Nolin in the fall of 2014, we came to the conclusion that one way to move forward, even though the motion was stalled on the Order Paper, to use the common language, there was still room to reflect and think of what could be the road forward, the avenues that we would have to see for the future.

Hence came the idea of organizing a symposium at a university and inviting scholars from Canada — from west, centre, east and Quebec — to reflect on the avenues of modernizing and renewing, making the Senate more transparent and more accountable to public opinion in Canada.

• (1500)

There is no doubt, as I said very quickly yesterday, that this is the challenge we bring in our summer baggage for a return with some kind of, I would say, enlightenment to be able to face that challenge.

We organized a seminar at the University of Ottawa on January 28, 2015. Senator Bellemare attended. I'm indebted to her not only for her attendance but participation and exchange with the scholars, Professor Paul Thomas from Manitoba; Professor Don Desserud from Saint John, New Brunswick, who some of you might know, certainly; Professor David Smith from Ryerson University in Ontario, Professor Emeritus from Saskatchewan —

[Translation]

— and Professor Stéphane Beaulac, a constitutional law professor at the University of Montreal.

[English]

All those scholars were invited with a specific theme that they addressed and there was an exchange of views after their presentations. Each of them came with a text and we spent the month after the symposium uniting those texts into a report. We now have the report. It's being translated.

I suggest, honourable senators, that when we reconvene in the fall, I will reintroduce the same motion and table the report in both languages. Each of you should read the report. There will be food for thought in that report.

We could, on a common basis, accept the idea that a group of us could be charged to review the recommendations. I know there are 10 recommendations that address various aspects of our

activities in the Senate. On that basis, we could, with your contribution and support, come forward with a proposal that could be debated after that in the chamber, maybe in Committee of the Whole.

I know that Senator Tkachuk understands and supports that kind of formula whereby we could spend an afternoon debating that. As you know, when Parliament convenes, the agenda is light, so we could certainly devote an afternoon to that.

Honourable senators, those are the suggestions that I would like to leave with you. As I say, in memory of former Senator Nolin, we would honour his legacy to continue to reflect along these lines with the freedom that we have to take the stand we want, according to what we feel and according to our own commitment to the institution. It would be a clear signal that his legacy is still living and that we will be able to build on that.

Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

LIVING WITH DEMENTIA

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to the challenges confronting a large and growing number of Canadians who provide care to relatives and friends living with dementia.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, this being our final sitting for this session, I wish to add a few words to this inquiry, if I may.

My speech is not quite ready yet. I've been preparing for quite some time, but I think my lack of readiness is more emotional than anything else, because this is a topic that is very close to my heart. I shall read what I have prepared and then finish the rest spoken from the heart.

Honourable senators, I rise to speak to this important inquiry, though I do not yet feel prepared emotionally to do so. It has been nearly a decade since my mother first displayed signs of dementia or something out of character, for she is still very elegant in her own way. It was very unusual to see some of the signs of this confusion from dementia.

It has been three years since she has been in long-term care, but regardless of age, regardless of circumstance, your mother is your mother and you are her child.

In preparing my statement to this inquiry initiated by our colleague Senator Raynell Andreychuk — with whom I have shared laughter and tears about our mothers in long-term care — I'm reminded of two movies that capture the transformational experience of living the same day again and again. Like Bill Murray's character who lives *Groundhog Day* over and over again on his path to enlightenment, and Adam Sandler's character who has to live every day trying to get the love of his life — who cannot retain any new memory beyond a car accident — to fall in love with him again and again on 50 first dates.

Depending on the day of the week, I have the opportunity to relive several different days every time I visit my mother. Because of the effects of dementia on her memory, every day is, in effect, the same day, much like in the movie *Groundhog Day* or *50 First Dates*. The cast of characters and the plot differs, of course, but the central themes are the same.

First, what you resist persists and acceptance brings freedom. I quote from a movie analysis that I came across on the Internet that I think captures this theme very clearly:

When we get beyond denial and resentment over the conditions of life and death, and accept our situation . . . then life ceases to be a problem and we can become authentic and compassionate.

The incredibly dedicated staff where my mother is now living has taught me to go with the flow of my mother's sporadic memory or lack thereof. The elimination of stress is what they say is most important in caring for someone with dementia. If my mother is doing something odd or different than the ordinary, rather than trying to correct her and trying to focus and fixate on that mistake, to just go with the flow. It's kind of like creative writing or creative storytelling, but that release or letting go of what we have learned our whole lives to do has been quite liberating.

For my mother, what I've noted is, in her health, she had a lot of rules and societal norms under which she lived. She was very eloquent and a very well-behaved, proper individual. I could go on and on and explain, but in essence, due to her dementia, or the loss of memory of these rules under which she was bound, she has let that go. As a result, I feel I'm getting to know the mother underneath all of those confines of society. What I see is her genuine love of people and her absolute ability to be in the moment and enjoy something as simple as a glass of water.

Through letting go, I have really come to experience the joys and the essence of life more and more.

The second theme is that pain and beauty are our constant bedfellows. One allows us to experience or appreciate the other and vice versa.

All individuals who are caring for their loved ones who are going through this very difficult ordeal of losing control of one's mind or whatever else, it's a very painful process, especially for

the family who knows the loved one in a certain way. Yet, through the most incredible, painful and challenging moments, I've also witnessed the beautiful essence of human character and the resilience of the people involved.

Some of the people caring for my mother have been working in this home for 20-plus years. How can they come to work every day, do what they do?

If you have been on any of these floors or facilities, you understand what challenges they would face, and yet they're able to treat every day and every moment as if it is their first time.

• (1510)

For instance, these two care workers, talking to one of the residents in a wheelchair, will approach him and say, "Who cares for you?" His answer is always, "Victoria's Secret models. That's right." They have this daily conversation, which is played again and again, every time they go to serve him. So, they are Victoria's Secret models, and he is the luckiest man in the world.

The pain and beauty that comes with this whole experience is something that, in a way, I would not trade and yet, at times, I wish I could just lift the weight from my heavy heart so that I don't have to worry so much. Yet, this is the experience I have had and I wish to share it with you.

Honourable senators, I guess the last theme that I wish to bring to your attention is simply that all we have is the moment, the eternal moment of now. Because of caring for someone who has no short-term memory, my mother, when I leave the room for two or three minutes and come back, she greets me as if she hasn't seen me and it's the first time she is seeing me. That ability to live life moment by moment is, I think, the true key to happiness.

With that, I thank my honourable colleague Raynell Andreychuk and all those who have spoken to this very important inquiry. May each of us be blessed in our health to be able to appreciate the moments as we are in them, including this one, and also to love those who are in our lives to the best of our ability, and that each of us can live life to the fullest. It's a cliché and yet, through my mother's illness, this is what I have learned.

I wish to say all honourable senators, if I can take this moment: Thank you for the work you have done, and let us enjoy the rest of the moments that are to come in this sitting.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak on this item, this item will be considered debated.

(Debate concluded.)

[Senator Martin]

STUDY ON SECURITY CONDITIONS AND ECONOMIC DEVELOPMENTS IN THE ASIA-PACIFIC REGION

TWELFTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Other, Item No. 4:

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Seidman, for the adoption of the twelfth report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Securing Canada's Place in Asia-Pacific: a Focus on Southeast Asia*, tabled in the Senate on June 29, 2015, and that, pursuant to rule 12 24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as the minister responsible, in consultation with the Minister of International Trade and the Minister of International Development, for responding to the report.

Hon. Joseph A. Day (Acting Deputy Leader of the Opposition): Thank you, honourable senators. I had an opportunity to be in contact with the deputy chair of the committee and he is content to allow the question to be called on this particular matter.

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

ROHINGYA MUSLIMS IN MYANMAR

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Inquiries, Order No. 56:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Jaffer calling the attention of the Senate to the persecution of the Rohingya Muslims in Myanmar, and the mandate of Canada's Office of Religious Freedoms

Hon. A. Raynell Andreychuk: Honourable senators, I rise to contribute to this timely inquiry by the co-chairs of the Standing Senate Committee on Human Rights. I would like to thank both Senator Jaffer and Senator Ataullahjan for participating in the recent meeting of the Standing Senate Committee on Foreign Affairs and International Trade on this very topic.

Our committee has been looking at the situation of the Rohingya Muslims of Burma with concern since at least 2013. The Senate has just now adopted the committee's twelfth report,

which looks at the Canadian engagement in the Asia-Pacific region. Our report includes a case study on Burma and deals in some detail with that country's difficulties with ethnic inclusion.

Burma is at a very particular stage in its development. In recent years, it has shown a new willingness to engage with the international community. It has begun to open new space for freedom of expression and civil liberties. Long a leader in pushing for democracy in Burma, Canada has welcomed these developments, but there is also a recognition that Burma still needs to overcome many obstacles.

A main concern is that the military still maintains a great deal of control in the country and in its Parliament. Headlines last week announced that a vote in the Parliament had fallen short of the 75 per cent threshold needed to remove the military's veto over constitutional change. This is a setback for Burmese democracy. It comes amid ongoing constitutional reform negotiations and with elections in November quickly approaching.

Peace talks are also under way, though conflict continues between the central government and a number of armed ethnic groups. Ethnic minorities in Burma, of which there are nine main groups and a number of smaller ones, have many legitimate grievances. Sustainable, political and economic reconciliation relies heavily on leaders' abilities to redress these grievances and to chart a more inclusive future for the Burmese society.

The Rohingya Muslims are among the most marginalized ethnic groups in Burma. According to the organization Refugees International, the Rohingya are also one of the largest stateless groups in the world. Persecuted since the 1940s, an estimated 1 million Rohingya today live in exile. Another 1.3 million Rohingya still live in Burma. Mostly, they live in the Rakhine state, close to Burma's border with Bangladesh. All but 40,000 of Burma's Rohingya are officially stateless. They are largely perceived to be economic migrants from Bangladesh. This, however, is a false perception.

Appearing before the Standing Senate Committee on Foreign Affairs and International Trade, Peter MacArthur, Director General, South and Southeast Asia and Oceania with the Department of Foreign Affairs and International Trade, explained:

For hundreds of years, they have been migrating from the Middle East as Arab traders, shall we say, a Muslim-faith visible minority. Only since 1948, when independence occurred from the British, has there been this kind of tension. The current government in Burma is trying to discriminate between those who have been there since 1948 and those who were already there before 1948, when the country gained independence. Being able to discriminate between those two groups is very difficult to do and not the right way to go, of course.

Despite their long history in Burma, Rohingya statelessness is embedded in government policy. The 1982 Burma citizenship law stripped the Rohingya of citizenship, making them resident

foreigners instead. This caused the Rohingya ethnicity to be omitted from a recent national census. Moreover, Burmese law prevents non-citizens from obtaining citizenship. Rohingya children born in Burma are prevented from obtaining citizenship even though their families may have been there for generations. This is despite Burma's ratification of the United Nations Convention on the Rights of the Child in 1991.

• (1520)

Article 7 of that convention states:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

The United Nations refugee agency has urged Burma to review its citizenship law in light of these obligations. It has also offered financial, technical and legal support, but to no effect. The Rohingyas' lack of citizenship also means that they have been restricted from travelling within the Rakhine State within Burma and abroad. This is in violation of Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights. Other restrictions on the Rohingya have been less widely reported.

In July 2012, Myanmar's Minister of Home Affairs, Lieutenant-General Ko Ko, told Parliament that the authorities were:

. . . tightening the regulations [against Rohingya] in order to handle travelling, birth, death, immigration, migration, marriage, construction of new religious buildings, repairing and landownership and [the] right to construct building[s]

The Rohingya also face restrictions in accessing education and employment. Adding to these problems, in recent years the Rohingya have been targeted by Buddhist ultra-nationalists. Violence against the Rohingya has been frequently fuelled by extremist monks, many of whom are important community leaders. Rohingya homes and mosques have been burned and shops have been looted. Authorities have all too often stood and watched by the sidelines. The persecution of the Rohingya must be brought to an end.

Today there is unprecedented international awareness of the plight of the Rohingya. In early May, media reported on the discovery of mass graves of migrants in southern Thailand. The BBC broadcast shocking images of Rohingya boat people stranded and abandoned by their traffickers and left to drift by regional powers. The same month, the former Special Rapporteur on the situation of human rights in Burma, Tomás Ojea Quintana, said: "The Rohingya are in a process of genocide."

[Senator Andreychuk]

Under international pressure, the foreign ministers of Thailand, Malaysia and Indonesia held a meeting on May 20. Malaysia and Indonesia agreed to host the migrants for a year on the condition that the international community would provide support for their care and repatriation within a year.

This is clearly only a temporary solution to help those who have risked their lives to escape persecution in Burma, but other initiatives are under way. The Government of Bangladesh, for example, has put aside \$59 million for its Coast Guard. There have also been a number of arrests of human traffickers.

Canada's support for ethnic and religious inclusion in Burma and for anti-trafficking and anti-smuggling efforts in the region will help such efforts. The only sustainable solution to decades of persecution and neglect, however, is for the Rohingya to be fully recognized as citizens. Burma is today under pressure from its neighbours and the broader international community to take action. It is critical that parliamentarians and governments around the world make sure that the plight of the Rohingya remains an issue in the lead-up to Burma's elections in November.

Aung San Suu Kyi remains, in the words of Prime Minister Harper "a symbol of the desire of the Burmese people for political freedom." However, we should not make the mistake of holding her responsible for the plight of the Rohingya. Ethnic tensions have torn Burma apart in the past. Today's prospects for reconciliation must be carefully managed. Parliamentarians in Canada and around the world should work with all parties in Burma to encourage a freer, more rights-respecting democracy.

Canadians have long stood with the people of Burma. Let us use this inquiry, brought by our colleagues here, to convey our hope that Burma's leaders will commit to political inclusion, human rights and, above all, citizenship. Let us share with them our experiences in building a strong and multicultural democracy as we approach July 1. Let us use this inquiry to express our expectations that Burma's leaders will seize the opportunities before them today to build a democracy that is open and free, inclusive of all ethnic groups of Burma, accepting of Buddhists, Muslims and Hindus alike, and home to the Rohingya.

(On motion of Senator Cordy, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, the Senate has completed its business and the sitting is suspended until 5:15 p.m., when the bells will ring for the deferred recorded vote on Government Motion No. 117.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1630)

INCOME TAX ACT

BILL TO AMEND—DISPOSITION OF BILL— MOTION ADOPTED

On the Order:

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

That notwithstanding any provisions of the Rules or usual practice, immediately following the adoption of this motion:

1. the Speaker interrupt any proceedings in order to put all questions necessary to dispose of bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations), without further debate, amendment or adjournment;
2. if a standing vote is requested in relation to any question necessary to dispose of bill under this order, the bells to call in the senators ring only once and for 15 minutes, without the further ringing of the bells in relation to any subsequent standing votes requested under this order;
3. no vote requested in relation to the disposition of the bill under this order be deferred;
4. no motion to adjourn the Senate or to take up any other item of business be received until the bill subject has been decided upon; and
5. the provisions of the Rules relating to the time of automatic adjournment of the Senate and the suspension of the sitting at 6 p.m. be suspended until all questions necessary to dispose of bill have been dealt with.

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

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Ataullahjan
Batters
Beyak
Black
Carignan
Dagenais
Eaton
Enverga

McIntyre
Mockler
Nancy Ruth
Ngo
Oh
Patterson
Plett
Poirier

Frum
Gerstein
Greene
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin
McInnis

Raine
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wells
White—37

NAYS THE HONOURABLE SENATORS

Baker
Bellemare
Campbell
Cools
Cordy
Cowan
Day
Downe
Dyck
Furey
Hubley

Jaffer
Joyal
Kenny
Lovelace Nicholas
McCoy
Merchant
Mitchell
Moore
Munson
Wallace—21

ABSTENTIONS THE HONOURABLE SENATORS

Nil

BUSINESS OF THE SENATE

Hon. Joseph A. Day (Acting Deputy Leader of the Opposition): I understand, Your Honour, based on the motion we have just adopted, that we would now proceed with a 15-minute bell prior to votes on Bill C-377. I wonder if Your Honour would confirm that the mood of honourable senators is that we proceed directly with respect to the votes on the bill.

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

Hon. Senators: Agreed.

INCOME TAX ACT

BILL TO AMEND—THIRD READING

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”;

(c) by changing the designation of current paragraph (b) to paragraph (c);

And on the subsidiary motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Eggleton, P.C., that the subamendment 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: The Senate will now proceed to the subsidiary motion of Senator Ringuette relating to Bill C-377.

Is it your pleasure, honourable senators, to adopt the subsidiary motion?

Subsidiary motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Baker
Bellemare
Campbell
Cools
Cordy
Cowan
Day
Downe
Dyck
Furey

Hubley
Jaffer
Joyal
Kenny
Lovelace Nicholas
McCoy
Merchant
Mitchell
Moore
Munson—20

NAYS THE HONOURABLE SENATORS

Ataullahjan
Batters
Beyak
Black
Carignan
Dagenais
Eaton
Enverga
Frum
Gerstein
Greene
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin
McInnis

McIntyre
Mockler
Nancy Ruth
Ngo
Oh
Patterson
Plett
Poirier
Raine
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wells
White—37

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1640)

The Hon. the Speaker: The Senate will now deal with the subamendment of the Honourable Senator Cowan.

Is it your pleasure, honourable senators, to adopt the motion in subamendment?

Motion in subamendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Hubley
Bellemare	Jaffer
Campbell	Joyal
Cools	Kenny
Cordy	Lovelace Nicholas
Cowan	McCoy
Day	Merchant
Downe	Mitchell
Dyck	Moore
Furey	Munson—20

NAYS
THE HONOURABLE SENATORS

Ataullahjan	McIntyre
Batters	Mockler
Beyak	Nancy Ruth
Black	Ngo
Carignan	Oh
Dagenais	Patterson
Eaton	Plett
Enverga	Poirier
Frum	Raine
Gerstein	Runciman
Greene	Seidman
Lang	Smith (<i>Saurel</i>)
LeBreton	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Unger
Marshall	Wells
Martin	White—37
McInnis	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The Senate will now proceed to the amendment of Senator Bellemare.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Jaffer
Bellemare	Joyal
Campbell	Kenny
Cools	Lovelace Nicholas
Cordy	McCoy
Cowan	Merchant
Day	Mitchell
Downe	Moore
Dyck	Munson
Furey	Nancy Ruth—21
Hubley	

NAYS
THE HONOURABLE SENATORS

Ataullahjan	McIntyre
Batters	Mockler
Beyak	Ngo
Carignan	Oh
Dagenais	Patterson
Eaton	Plett
Enverga	Poirier
Frum	Raine
Gerstein	Runciman
Greene	Seidman
Lang	Smith (<i>Saurel</i>)
LeBreton	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Unger
Marshall	Wells
Martin	White—35
McInnis	

ABSTENTIONS
THE HONOURABLE SENATORS

Black—1

• (1650)

[Translation]

The Hon. the Speaker: The Senate will now deal with the motion for third reading.

Is it your pleasure, honourable senators to adopt the motion?

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

YEAS THE HONOURABLE SENATORS

Ataullahjan	McIntyre
Batters	Mockler
Beyak	Ngo
Carignan	Oh
Dagenais	Patterson
Eaton	Plett
Enverga	Poirier
Frum	Raine
Gerstein	Runciman
Greene	Seidman
Lang	Smith (<i>Saurel</i>)
LeBreton	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Unger
Marshall	Wells
Martin	White—35
McInnis	

NAYS THE HONOURABLE SENATORS

Baker	Jaffer
Bellemare	Joyal
Campbell	Kenny
Cools	Lovelace Nicholas
Cordy	McCoy
Cowan	Merchant
Day	Mitchell
Downe	Moore
Dyck	Munson
Furey	Nancy Ruth
Hubley	Wallace—22

ABSTENTIONS THE HONOURABLE SENATORS

Black—1

BUSINESS OF THE SENATE

Hon. Claude Carignan (Leader of the Government): Honourable senators, I would like to take this opportunity, while we are waiting for Royal Assent, to wish all senators and Senate staff all the best.

The past two years have been particularly difficult. A number of developments have tested our solidarity, mutual trust and faith in our institution. However, despite all that, I remain convinced that we have come out of this difficult period the better for it.

Obviously, things have not been easy for Senate staff either. They experienced a lot of stress because of the increased workload resulting from the events that occurred over the past two years.

Senators' staff members have been under a great deal of strain. However, they were able to meet the challenges before them with a great deal of pride and faith in the institution of the Senate of Canada. The Senate is an essential part of our bicameral Parliament, and we know that every democratic parliament in the world has a senate chamber.

Yes, the Senate is necessary, and we need to make changes and modernize it. However, I believe that, over the past two years, honourable senators have been able to show how important this institution is. I would like to once again thank and congratulate you for your efforts while the Senate was in session, and I wish everyone all the best.

Given the upcoming federal election, Parliament will be adjourning for longer than usual. We will likely see each other again sometime later in the fall.

Mr. Speaker, we will see you again after the election period in good health, filled with energy and ready to continue our efforts to breathe life into this institution and do our work proudly. I therefore wish all senators and staff a very wonderful summer, and once again, I hope with all my heart to see you all again in good health after the election.

Hon. Senators: Hear, hear!

[English]

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I'm sure that all of us would agree that these past few months have been amongst the most unpleasant and stressful of our parliamentary careers — if not of our lives.

This institution and all of us who serve in it have been subjected to criticism, attack and even ridicule, which has been hurtful and harmful to all of us as individuals and to the institution as a whole.

• (1700)

We must recognize and accept that some of this criticism is justified and take such steps as are necessary to deal openly and fairly with it. We must seriously evaluate the recommendations contained in the report of the Auditor General and implement those which will make the Senate a more open, accountable and effective institution. We must examine and modernize our own rules, practices and procedures towards the same objective.

In April of 2014, the Supreme Court of Canada confirmed the critical role which the Senate was intended to play — and must continue to play — in our parliamentary democracy. Yet, what have we done in the 15 months to meet the challenge set by the court for us? In my view, embarrassingly little. Imagine how much further we would have been ahead today if we had taken the advice and adopted the motion of former Speaker Nolin and established a committee then to work at ways to establish a more modern and more effective institution.

Colleagues, simply tinkering with our rules is not enough. We have to improve the way we do our job. At the end of the day, we will not be judged on how efficiently we manage our budget but on how effective we are as a legislative body. Review of legislation is our principal role and the better we do that job, the more respect we will gain from Canadians. Do that job poorly, as we have many times, and we will not gain — much less deserve — that respect.

Despite the battering which the Senate has undergone and continues to receive, it is critical to remind ourselves and Canadians of the excellent work which the Senate does and the vital role which it plays in our parliamentary democracy. We must never forget nor permit ourselves or others to disregard that underlying value by allowing unfair or ill-informed criticism to go unanswered. This is not going to be an easy task, but it is an important one. There is no quick or easy fix. Bad news always trumps good news.

There is a role for every single one of us in this effort, each in his or her own way in our own communities and our own activities across the country.

We leave this place today to return to our homes, our families, our friends and our communities. When we return, we will be part of a new Parliament. We may or may not be welcoming new colleagues in this place, but we will most certainly have many new colleagues down the hall in the other place.

As we leave, and until we return, let each of us do our part to understand, explain and, most importantly, improve our own performance and that of this unique institution in which we have such a great privilege to serve.

In closing, I want to thank all of those who work here in the Senate: the table officers; the administrative staff; our translators; our security forces, particularly this past year; and all of those who work for us and with us in our own offices. We are all members of an extended Senate family.

On behalf of all of us here — and I'm sure I speak for everyone in the chamber — I want to thank all of you for all you do for all of us every day. Sometimes we may not show our appreciation or

gratitude, or perhaps we express it in very strange ways, but you should know how much we appreciate what you do for us to make our lives easier and to make this institution operate more effectively.

I wish everyone a happy and pleasant summer with lots of quality time with friends and family. I look forward to seeing you all when we return in a new Parliament after the election.

Hon. Senators: Hear, hear!

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 16-1(8), I wish to advise the Senate that a message from the Crown concerning Royal Assent is expected later today.

The Hon. the Speaker: Honourable senators, the Senate has come to the end of its business of the day and, pursuant to rule 16-1(8), the sitting is suspended to the call of the Speaker, with the bells to ring for five minutes before the sitting resumes.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1820)

[Translation]

ROYAL ASSENT

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

RIDEAU HALL

June 30th, 2015

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 30th day of June, 2015, at 5:52 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Tuesday, June 30, 2015:

An Act to amend the Income Tax Act (requirements for labour organizations) (*Bill C-377, Chapter 41, 2015*)

(The Senate adjourned until Tuesday, September 22, 2015, at 2 p.m.)

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