



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 22

OFFICIAL REPORT
(HANSARD)

Tuesday, March 22, 2016

The Honourable GEORGE J. FUREY
Speaker

CONTENTS

(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: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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

THE SENATE

Tuesday, March 22, 2016

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

BELGIUM

TRAGEDY IN BRUSSELS

Hon. Claudette Tardif: Honourable senators, before making my statement on the International Day of La Francophonie, I would like to express our solidarity with Belgium.

Our thoughts are with the people of Brussels, especially the victims and their families and friends, who today experienced the horror of terrorist attacks. Canada stands in solidarity with Belgium.

Hon. Senators: Hear, hear!

LA JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE

Hon. Claudette Tardif: Honourable senators, every year on March 20, we celebrate the International Day of La Francophonie. More than 270 million francophones on five continents celebrated the French language and French cultures under the theme "The power of words."

There are some words that are more evocative than others of the essence of the human condition, words such as "freedom," "equality," "solidarity," "fraternity," "diversity," and "universality." These words connect and unite us.

Michaëlle Jean, Secretary General of La Francophonie, hopes that the words express, and I quote:

. . . our desire to live together freely and peacefully, to act together in solidarity, and to dream together of the future, fraternally.

On March 4, I was proud to participate in the Franco-Albertan flag raising ceremony in Calgary. This annual ceremony, which takes place in 35 regions in all parts of my province, is very important to all francophones and francophiles.

There are 240,000 Albertans among the 10 million Canadians who make French part of their daily lives. Our Canadian francophonie is an invaluable asset that distinguishes us around the world.

The 2016 Rendez-vous de la Francophonie celebrations are being held across Canada from March 3 to 23. This year's theme is "Francophonie in 3D: Diversity, Dualism, and Dynamism." Diversity is a fundamental characteristic that makes Canada strong and connects us to one another. Linguistic duality refers to our country's two official languages and the historic agreement between the two founding European peoples. Dynamism describes the vitality of the francophone communities in Canada.

The festivities to mark the Rendez-vous de la Francophonie and the International Day of La Francophonie remind us all that French is alive and well. It's a language of pride, culture, science, reflection and innovation. French is thriving around the world and is used in many cultures and societies.

I pay tribute to all those who give a strong voice to the French language.

Hon. Senators: Hear, hear!

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Mr. Kirk Crowther, Executive Director of Canadian Down Syndrome Society; as well as Kory Earle, President of People First of Canada and Shelley Fletcher, its Executive 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!

WORLD DOWN SYNDROME DAY

Hon. Tobias C. Enverga, Jr.: Honourable senators, I rise today to remind colleagues that yesterday, March 21, marked the eleventh anniversary of World Down Syndrome Day, a global awareness day observed to create a single global voice to advocate for the rights, inclusion and wellbeing of people with Down syndrome. This year's focus is on "My Friends, My Community" - the benefits of inclusive environments for today's children and tomorrow's adults."

Honourable senators, according to *Congenital Anomalies in Canada 2013*, Down syndrome remains the most frequently occurring chromosome anomaly in Canada, with a relatively constant birth prevalence averaging 14.1 per 10,000 total births between 1998 and 2007. Assuming that this rate remains constant, with Canada's birth rate averaging around 380,000 every year in the past five years, more than 500 children with Down syndrome are born into our society annually.

These children, honourable senators, will grow up to be tomorrow's adults, and it is our responsibility to create an inclusive environment for them. By giving children with Down syndrome an opportunity to fully participate in society, we teach children with Down syndrome the truly Canadian values of friendship, acceptance and respect for everyone. At the same time, as Down Syndrome International correctly states, inclusive environments will "enabl[e] tomorrow's adults with Down syndrome to live, work and participate, with confidence and individual autonomy, fully included in society alongside their friends and peers."

Honourable senators, in the Senate of Canada, we have an excellent opportunity to help create an inclusive environment for differently abled children through the Friends of the Senate Program. I encourage colleagues to support this initiative to give local high school students with different abilities some much-needed workplace experience by volunteering in senators' and Senate directorates' offices.

• (1410)

In support of this year's campaign for social inclusion, Senator Jim Munson and I will host a reception this evening to mark World Down Syndrome Day. We invite honourable senators to join us in room 160-S, between 5:30 and 7:30 p.m., to meet members of our community who passionately advocate for the rights and well-being of our friends with Down syndrome.

Thank you very much.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of the participants of the British Columbia Legislative Internship Program. They are the guests of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

TERRORIST ATTACKS IN BELGIUM AND TURKEY

Hon. Mobina S. B. Jaffer: Honourable senators, this morning we heard of the deplorable attacks in Brussels. I know that you will agree with me that our thoughts and prayers are with the people of Belgium, and our hearts go out to those in the city of Brussels, to Belgium, to all their families and to all those affected.

Prime Minister Charles Michel of Belgium said: "We were fearing terrorist attacks, and that has now happened." Then he goes on to call the attacks "blind, violent and cowardly."

The Prime Minister of Belgium also offered a guiding light for the people of Brussels and for the world. He said: "We realize we face a tragic moment. We have to be calm and show solidarity."

Honourable senators, I know that you would want to convey to Prime Minister Michel that we also stand in this chamber in solidarity with him, with the people of Brussels and the people of Belgium.

You are part of our Francophonie family, and we share your pain and stand with you during this terrible time.

I also want to take this opportunity to show our solidarity to the people of Turkey, as President Erdogan and the Turkish people cope with the recent attacks in Istanbul. I remember my recent trip to Istanbul in November, when I came away with the distinct impression that Istanbul has changed. Sadly, these terrorist attacks have dampened the spirit of the Turkish people.

Honourable senators, in the face of these tragedies we must stand united. Today and always, in the face of terror, may we remember that we are stronger united than divided.

Honourable senators, I know you will join me to stand in solidarity with the people of Belgium, the people of Turkey and other countries where there are terrorist attacks, as we are a family — a family in humanity.

Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Alison Azer, accompanied by Elizabeth van Egteren, Kimberly Keys and Katherine Jeffrey, who are working to return Ms. Azer's kids home from a war zone. They are the guests of the Honourable Senator Lang.

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

Hon. Senators: Hear, hear!

ALISON AZER

ABDUCTION OF CHILDREN

Hon. Daniel Lang: Colleagues, I rise today to draw attention to the situation of Ms. Alison Azer, a mother of four Canadian children — Sharvahn, Rojevahn, Dersim and Meitan — who have been abducted by their father, Dr. Saren Azer, and taken to the war-torn Middle East eight months ago. Many of you may have seen her story on the news. Today, Alison is in Ottawa to ask for our help.

Colleagues, this story did not start out this way. Dr. Saren Azer was a refugee and a foreign student who transited to Canada as an Iranian dissident in 1994. Like so many aspiring immigrants, he worked hard through school, earned a medical designation and fell in love with a Canadian woman.

On the surface, Dr. Saren Azer's transition and integration into Canadian society is a success story. He and Alison grew their family, and Dr. Saren Azer built his medical practice while volunteering in refugee camps.

What most did not know early on is that Saren Azer was identified as a potential threat to national security as a result of his links to the designated terrorist group the PKK, also known as the Kurdistan Workers' Party, a political and military group which, according to Public Safety Canada, "has led a campaign of guerrilla warfare and terrorism, especially in Turkey and northern Iraq."

Despite serious concerns raised by our national security agency, Saren Azer received his Canadian citizenship.

As he became more involved with the PKK, his marriage broke down and Alison was forced to flee with her four children to a women's shelter in Victoria. Concerns were raised by the children, who feared their father's abuse and demanding ways. Alison was worried for her children's safety, as well as her own.

Over in Comox, B.C., the local RCMP detachment opened a file about a possible future abduction of the children. In spite of the mother's concerns and that of the RCMP's local detachment, Dr. Saren Azer was able to obtain permission from the B.C. courts, with the help of various accomplices, to take his children out of the country on vacation last year. Instead of seeing her children on August 15, 2015, the day they were due home, an RCMP officer knocked on Alison's door to tell her that her children were likely abducted by their father. Today, RCMP and Interpol warrants have been issued for Dr. Saren Azer on four counts of abduction.

Colleagues, Alison Azer needs our help. Her children have been abducted and are known by the RCMP and Global Affairs Canada to be in the Kurdish region, where Canada is heavily involved in an "advise and assist" mission with over 650 National Defence personnel on the ground.

Colleagues, before any serious physical harm comes to these children, please join with me in calling on the government — especially the RCMP, the Department of National Defence and Global Affairs Canada — to extend all efforts to repatriate these four children safely back to Canada so they can be reunited with their mother.

Alison, we in the Senate, along with members in the other place, will work together to speak out on this matter until you are reunited with your children.

Thank you.

[Senator Lang]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2015-16

SUPPLEMENTARY ESTIMATES (C)—THIRD REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Larry W. Smith: Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Senate Committee on National Finance, which deals with the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2016.

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

Senator L. Smith: With leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(On motion of Senator Smith (*Saurel*), report placed on the Orders of the Day for consideration later this day.)

[*Translation*]

THE ESTIMATES, 2016-17

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Larry W. Smith: Honourable senators, I have the honour to table, in both official languages, the fourth (interim) report of the Standing Senate Committee on National Finance on the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2017.

With leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Smith (*Saurel*), report placed on Orders of the Day for consideration later this day.)

[English]

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. Pana Merchant: Honourable senators, I have the honour to present, in both official languages, the first report of the Standing Joint Committee for the Scrutiny of Regulations, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament and issues relating to quorum and sittings.

(For text of report, see today's Journals of the Senate, p. 263.)

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

Senator Merchant: With leave, honourable senators, later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(On motion of Senator Merchant, report placed on the Orders of the Day for consideration later this day.)

• (1420)

APPROPRIATION BILL NO. 5, 2015-16

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-8, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2016.

(Bill read first time.)

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

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

(On motion of Senator Fraser, with leave of the Senate and notwithstanding rule 5-6(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

APPROPRIATION BILL NO. 1, 2016-17

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-9, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017.

(Bill read first time.)

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

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

(On motion of Senator Fraser, with leave of the Senate and notwithstanding rule 5-6(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

LINGUISTIC PLURALITY BILL

FIRST READING

Hon. Mobina S. B. Jaffer introduced Bill S-222, An Act for the promotion and advancement of Canada's linguistic plurality.

(Bill read first time.)

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

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

SENATE MODERNIZATION

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Paul E. McInnis: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Special Senate Committee on Senate Modernization have the power to sit on Tuesday, April 12, 2016, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

THE SENATE

NOTICE OF MOTION TO AMEND RULE 12 OF THE RULES OF THE SENATE PERTAINING TO THE COMMITTEE OF SELECTION

Hon. John D. Wallace: Honourable senators, I give notice that, two days hence, I will move:

That the *Rules of the Senate* be amended:

1. **by adding the following at the end of rule 12-1:**

“The membership of the committee shall, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties.”;

2. **by adding the following new rule 12-2(2):**

“Expressions of interest

12-2. (2) Before nominating Senators to serve on committees, the Committee of Selection shall invite expressions of interest from all Senators.”;

3. **by renumbering current rules 12-2(2) and (3) as rules 12-2(3) and (4);**

4. **by adding the following new rule 12-2(5):**

“Content of Committee of Selection reports

12-2. (5) Any report of the Committee of Selection nominating Senators to serve on a committee shall:

(a) identify the criteria used in developing its nominations;

(b) contain nominations such that, if the report is adopted, the membership of the committee would, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties; and

(c) nominate, as far as possible, every Senator who is eligible to attend the Senate, and who expressed an interest in being a member of a committee, to a minimum of at least one committee.”;

5. **by renumbering current rules 12-2(4), (5) and (6) as rules 12-2(6), (7) and (8); and**
6. **by updating all cross references in the Rules, including the lists of exceptions, accordingly; and**

That the Senate discharge the current membership of the Committee of Selection so that a new membership can be appointed, by substantive motion, in conformity with the changes made by the adoption of this motion.

ORDERS OF THE DAY

GENETIC NON-DISCRIMINATION BILL

SECOND REPORT OF HUMAN RIGHTS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights (Bill S-201, An Act to prohibit and prevent genetic discrimination, with amendments and observations), presented in the Senate on March 10, 2016.

Hon. Jim Munson moved the adoption of the report.

He said: Honourable senators, I'm pleased to speak at the report stage of Bill S-201, An Act to prohibit and prevent genetic discrimination, with amendments and observations.

• (1430)

I would like to start first by thanking my colleagues on the Human Rights Committee, the staff and the witnesses who appeared and wrote in testimony, for their time, hard work and dedication. It was truly a team effort.

As noted, this important legislation was passed with the adoption of amendments and observations which were agreed to by committee members. It was in light of the important testimony by our witnesses that all members of the committee were able to come to an agreement on the observations and amendments.

I want to add that I am proud of the cooperation by our members on the amendments, which we believe will make the bill stronger and result in better protection of Canadians against genetic discrimination.

These amendments were suggested by the sponsor of this bill, Senator Cowan, and he is better suited than I to give you a detailed explanation, and I will give him the floor in a moment to do so.

First of all, I thank him for bringing more attention to the issues of genetic testing and genetic discrimination to this chamber, as well as raising awareness across the country. His work and commitment on this issue have been unwavering and tireless. I commend him on his dedication — and the committee does, too — for his patience and his willingness to share his knowledge on this topic. We all learned a great deal from our committee hearings on the study of Bill S-201, especially from Senator Cowan.

Your Honour, I would like to ask Senator Cowan to take up this report and speak to the amendments that were made.

Hon. James S. Cowan (Leader of the Senate Liberals): Honourable senators, it is a pleasure to rise to speak at the report stage of Bill S-201, An Act to prohibit and prevent genetic discrimination.

I thank Senator Munson, the Chair of our Standing Senate Committee on Human Rights, for his explanation of the amendments that were made in committee and, at his invitation, I will expand more fully on them in the course of my remarks. I propose today to focus on those amendments and on the observations that were appended to the committee's report. I will speak to the bill as a whole when it is at third reading, which I hope we will reach soon after the Easter break.

A quick recap: Bill S-201 was designed to fill a gap in our law. In Canada, unlike in most other Western countries, when a person has a genetic test, there is no legal protection against a third party demanding access to those test results and then using them, often to the individual's detriment, in what is termed genetic discrimination. The result has been that many Canadians are reluctantly deciding not to have genetic testing that their doctors believe would help in their health care or that of their children. I proposed Bill S-201 to address this situation.

I first proposed legislation on this subject in April 2013 and re-tabled it after prorogation in October 2013. That bill died on the Order Paper when last summer's federal election was called. Immediately upon the new Parliament's return last December, I tabled the bill again, with a number of changes.

But before I describe those changes or the amendments adopted by the committee, I want to say how gratified I was at the reception afforded the bill by honourable senators on the committee, from both sides of this chamber. Senator Frum, the critic on the bill, reiterated several times, both to me privately and publicly in committee, her full support for the principle of Bill S-201. I know she continues to have certain concerns, and we will get to those, but I did appreciate that she always expressed those concerns while stating her support for the principle behind the bill.

I also want to state my appreciation for the collegiality of the hearings on my bill, especially during the clause-by-clause consideration. All of the amendments now before you are ones that I proposed at clause by clause, and they reflect the evidence heard by the committee. I believe every motion in amendment that I made was seconded by Senator Frum. I was proud of the bipartisan support the bill and all amendments received in

committee. I have said from the beginning that I didn't view this as a partisan issue, and I believe the way we have approached the bill in this Parliament demonstrates the truth of that view.

I also said from the beginning that I was open to suggestions of amendments to improve the bill, and I believe that the amendments that I will now describe will demonstrate the truth of that statement as well.

As I mentioned a few minutes ago, the bill that I tabled on December 8, 2015, included certain changes from the previous versions of the bill. Most of those were made in response to issues that had been raised during hearings on the earlier bill or to reflect proposals of the previous government of ways to address the issue of genetic discrimination. However, when our Human Rights Committee heard from the Privacy Commissioner of Canada and the Canadian Human Rights Commission, they each raised issues with respect to certain aspects of those changes I had made in an effort to improve the bill. The amendments passed by our committee were in response to the submissions from these commissioners.

The first amendment is to clause 5 of the bill. The previous versions of my bill prohibited service providers from requiring someone to take a genetic test, or to disclose the results of a genetic test, as a condition to providing goods or services. That is a paraphrase of the prohibitions, but I think it is a fair one.

It was drawn to my attention that the bill should also prohibit service providers from collecting or using someone's genetic test results without their written consent. This is particularly important in the world of social media, where much information, including genetic test results, is increasingly being stored electronically, for example, in the "cloud." Accordingly, I included this prohibition about collecting or using someone's genetic test results in a new clause 5 of the proposed Genetic Non-Discrimination Act.

This provision was well received. The Privacy Commissioner in particular highlighted the clause, saying that its addition was most welcome. However, he suggested that we add the word "disclose" after "collect and use." In his words, this "... would afford individuals even greater control over their personal information and would be consistent with our privacy laws." He continued:

With this addition we are of the view that clauses 3, 4 and 5 represent a good and balanced way of respecting the wishes of those who want to share their genetic test results and those who would prefer not to.

I, of course, have the utmost respect for the Privacy Commissioner, and his office has done a great deal of excellent, in-depth work on the issue of genetic discrimination and protecting the privacy of that information. I thought his proposal was an improvement and therefore moved an amendment to clause 5, as suggested. This was seconded by Senator Frum and passed by the committee.

The next amendment is to clause 10 of the bill. This is in the part of the bill that would amend the Canadian Human Rights Act to add "genetic characteristics" as a prohibited ground of discrimination under the act. Last year, at our previous hearings,

some witnesses were concerned that the term needed some definition to link it to genetic testing. Accordingly, the bill that I tabled in December included a definition of the term.

The Canadian Human Rights Commission disagreed with this approach, saying that “definitions can limit the interpretation and evolution of a ground and may provide inadequate protection under human rights legislation.” The commission’s preference was to delete the additional clause altogether. In the end, and working closely with our excellent legislative drafting team in the Law Clerk’s branch, we were able to come up with wording that met the concerns of the commission and all members of the committee. That was the second amendment passed by the committee.

The last three amendments delete the clauses that would have amended the Privacy Act and the Personal Information Protection and Electronic Documents Act, or PIPEDA, as it is generally known. Colleagues may recall that my original bill did not include these provisions. However, last June, the previous government tabled Bill C-68, representing its proposal to address genetic discrimination, and these provisions were in that bill.

As I said when I spoke to Bill S-201 at second reading, I was not convinced that those measures provided what Canadians needed and expected by way of protection against genetic discrimination, but the previous government believed that they would help, and I was content to accept that. For that reason, I included them in the bill that I tabled on December 8, 2015.

• (1440)

However, when the Privacy Commissioner testified on my bill in committee, he recommended that we delete them. In his words the amendments were “. . . at least unnecessary and perhaps harmful . . .” and “. . . would serve no useful purpose and would only add unnecessary confusion.”

In the circumstances I proposed — and the committee agreed — that the clauses be deleted from the bill.

These are the amendments that the committee adopted at its hearings, unanimously. I believe they each improve the bill, and I am grateful to the witnesses for suggesting them.

This brings me to the brief observations appended by the committee to its report. Colleagues, as I’ve mentioned, while committee members were unanimous in supporting the principle behind Bill S-201, some members were concerned whether certain aspects of the bill fall within federal legislative jurisdiction or more properly deal with matters within provincial jurisdiction.

Let me be up front: The insurance industry is strongly opposed to this bill. They retained the law firm of Torys who provided them with an opinion — curiously, an unsigned opinion — that supported their position that the proposed genetic non-discrimination act falls within provincial and not federal jurisdiction.

On the other hand, the committee heard from two independent constitutional law professors: Professor Bruce Ryder, who teaches constitutional law at Osgoode Hall in Toronto; and Professor Pierre Thibault, who teaches constitutional law at the

University of Ottawa Faculty of Law. Both of them stated unequivocally that, in their opinion, the bill is a constitutionally valid exercise of federal legislative jurisdiction.

In addition, our own Senate Law Clerk provided advice last year to Senator Nancy Ruth that the bill is a valid exercise of the federal criminal law power.

Finally — and I think this is important, colleagues — all of the provinces and territories were contacted, not just once, but twice, about the bill. I wrote to all the provinces and territories last December and January, and then the committee clerk wrote separately soliciting their views about the bill. Not one submission was received raising issues about the bill’s constitutionality.

I am quite confident that the bill, if challenged, will be upheld as a valid exercise of the federal criminal law power. However, I appreciate that some colleagues wanted those issues acknowledged on the record, and I believe that the observations do that.

The observations go on to urge representatives of the Government of Canada to meet with their provincial and territorial counterparts to address genetic discrimination in their respective jurisdictions, and I support that. This bill would use the federal criminal power to prohibit certain acts, but it would of course be open to provincial and territorial governments to regulate particular sectors, such as the insurance industry and employers, beyond the prohibitions set out in Bill S-201. I believe that that would be an excellent demonstration of cooperative federalism and that Canadians would all benefit.

In conclusion, I wholeheartedly support the report of our Human Rights Committee on Bill S-201. I want to thank again all the members of the committee for their work studying the bill and all of those who took the time to come and testify or to send in written submissions. I believe the bill has been significantly improved as a result of the committee’s work.

(On motion of Senator Martin, for Senator Frum, debate adjourned.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill S-220, An Act to amend the Criminal Code (international fraud).

She said: Honourable senators, I would be prepared to deliver my speech at second reading stage when we return from our Easter break. I am asking my colleagues to please give me a few extra days to complete my presentation. Therefore, I move the adjournment for the balance of my time.

(On motion of Senator Hervieux-Payette, debate adjourned.)

BOARDS OF DIRECTORS MODERNIZATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-207, An Act to modernize the composition of the boards of directors of certain corporations, financial institutions and parent Crown corporations, and in particular to ensure the balanced representation of women and men on those boards.

Hon. Céline Hervieux Payette: Honourable senators, I am pleased to speak to a bill that has been so important to me for such a long time, Bill S-207, which deals with the modernization of boards of directors.

The highlights of this bill are that the proportion of directors of each sex on a company's board of directors must not be less than 40 per cent, either men or women, and that achieving this minimum proportion applies as of the sixth annual meeting of shareholders. It therefore does not have to happen immediately but rather incrementally, as it did in the OECD countries that adopted this measure. After coming into force, this legislation can be implemented within a six-year time frame.

Why is this bill so important to me and all Canadian women? Certainly, it tackles a long-standing social injustice, but it also recognizes that boards of directors made up of men and women generate better financial results for their companies. There is a correlation between the presence of women on boards of directors and more active, independent boards, two aspects of governance that result in better performance on many economic indicators. Research clearly shows that women's perspectives and leadership styles differ from those of men. Men's and women's visions for addressing socio-economic issues are distinct and complementary. This bill is doubly beneficial because it not only creates a better gender balance in key director positions, but also helps produce better economic results for businesses and shareholders.

Studies on female board representation agree that the percentage of women on boards of directors is too low — 19.5 per cent in 2014 according to some organizations — and that it is growing much too slowly. It went from 6.2 per cent in 1998 to 14.6 per cent in 2011 to 19.5 per cent in 2014.

In other words, if the Government of Canada sits on its hands and does nothing to rectify the situation, the percentage of women on boards of directors will still be below 30 per cent in 2040 despite the fact that women now make up the majority of the workforce, women's buying power is increasing annually, and women contribute just as much to their pension plan as men do.

• (1450)

The objection that is most commonly raised by those who oppose this bill has to do with the notion of qualifications. They say that a positive bias for appointing women to corporate boards

could diminish the general competency of the group, and that qualified men might be overlooked to the advantage of women who are less qualified. As you might expect, I have some serious reservations about that argument.

My first reservation has to do with the fact that the competency of a board of directors made up entirely of men has never been called into question. The Canadian Coalition for Good Governance explains that the most common method of recruiting right now relies primarily on social networks and the business networks of the existing board members. Since the vast majority of board members are currently men, they tend to appoint other men who are part of their network, in other words, the old boys' network.

Norway is the best role model when it comes to promoting gender parity. It passed legislation in 2008 that is similar to the one I am proposing today. In testimony that she gave in December 2010 as part of the study on a previous version of this bill, Liv Monica B. Stubholt, who was the minister responsible at the time and later became CEO of a large multinational, stated that Norwegian firms that broadened their search for candidates beyond their personal networks found not only more women candidates, but also better qualified male candidates, which means that this bill puts competency at the forefront. Competency is the most important quality for all members of any board of directors, a *sine qua non*.

This brings me to my second reservation, that is, the fear of losing the qualifications mentioned earlier. A country that has over 36 million residents — since last week — most of whom are women, should be big enough to have among its ranks plenty of qualified women who can meet the requirements for an appointment to a board of directors, wouldn't you agree? I certainly think so.

According to Statistics Canada, in 2009, a greater proportion of women than men obtained a university degree. Women make up the majority of students in most fields of study, including business, management and public administration; agriculture, natural resources and conservation; physical and life sciences, and technologies; and social and behavioural sciences and law, just to name a few.

Finally, human resources studies have shown that women tend to underestimate their abilities, while men tend to overestimate theirs. I'm sure that does not surprise you. In order to apply for a job, women assume that they need to meet a minimum of 80 per cent of the criteria set out in the job description. Meanwhile, men assume that they need to meet only 60 per cent of the criteria. They think pretty highly of themselves.

What is more, as with any other minority, in order to work and be recognized in the upper echelons, women have to prove themselves more often than they should and they also expend much more energy doing so.

All this leads me to the conclusion that we don't have to worry about a skills shortage in Canada because the pool of Canadian women who can meet the requirements for appointments to

boards of directors is more than sufficient and such appointments would significantly improve the performance of our companies.

If appointing women to boards of directors is such a good idea, why do we need legislation? First, there is a lot of resistance when it comes to change and the sharing of power. The 2008 recession did not manage to push companies to appoint more women to their boards of directors. However, these same boards are the ones that made the decisions that resulted in the economic conditions of 2008. The old boys' club did not see the need to get a female perspective, and we know how that turned out.

In 2009, the CEO of the British Columbia Investment Management Corporation said, and I quote:

[*English*]

. . . the financial crisis made investors painfully aware of the missing voices in business leadership.

[*Translation*]

Again in 2009, he added that he would be on board with legislation like that which I'm proposing, once every market option was exhausted. We can see that so far, the measures adopted have not amounted to much.

The group gave the market two years to correct the lack of female candidates appointed to boards of directors. That deadline came and went and the desired changes never materialized. The group is prepared to see my bill pass.

Systemic problems maintain the status quo. The first systemic problem involves a major economic player: pension plans. According to the OECD, the weighted average of pension plans represented 77 per cent of GDP in 2012, compared to 73.5 per cent in 2011. These are important components of a country's economy, yet pension plans rarely appoint women to their boards of directors. My bill would have a major impact by targeting pension plans alone, since they represent the key investors in public corporations' share capital.

The second problem is that headhunters who are hired to put forward candidates for boards of directors often refer to their databases, which again are mostly made up of male candidates. Headhunters will primarily put forward male candidates, unless they are specifically asked to find female candidates to fill positions on boards of directors. This is another contributing factor in the slow pace of the changes observed in the market.

Norway is ranked first with respect to the proportion of women appointed to boards of directors; in 2013, it reached 40.5 per cent compared to only 7 per cent before the law went into effect. Spain, France, and Quebec adopted the Norwegian model by passing similar laws. In Norway, gender parity is a core value of this Nordic country. Women and men must be afforded the same opportunities in education and employment so that they can develop culturally and professionally.

[Senator Hervieux Payette]

This egalitarian vision is manifested in the country's economic results. In 2015, Norway ranked 11th among the most competitive economies according to the Davos Forum. Canada ranked 13th.

At the 2013 Bloomberg Economic Summit, we heard the following, and I quote:

[*English*]

Canada slid abruptly in 2011 to 9th position and may continue to decline as more and more countries reap the benefits of nationwide policies to enhance gender diversity. While other countries actively implement gender diversity policies within corporate governance, Canada sits silent. Increasing success has been achieved internationally through corporate governance policies on gender diversity.

[*Translation*]

In the February 18, 2013, edition of *La Presse* Stéphanie Grammond wrote:

As a result of its inertia, Canada is even losing ground in gender parity compared to other countries. And all of society pays the price.

She also said:

Unfortunately, the private sector is moving at a snail's pace: only one in seven management positions is held by a woman. Even worse, one-third of major corporations that are headquartered in Montreal do not have even one woman in a key position. Neither in senior management nor on the board of directors. Not one.

The first step that must be taken to address this deplorable situation in corporate leadership is to put women on boards of directors, specifically by allowing them to sit on recruitment committees. I feel very strongly, as do many organizations working to address this injustice, that Canada is depriving itself of precious resources by accepting such an imbalance between men and women on boards of Canadian corporations. This imbalance is longstanding and will continue to exist until new governance processes are established.

The market had more than its fair share of opportunities to remedy the situation, but nothing changed. It is high time that we, as senators, proudly represented the minority that is women in key positions in Canadian companies.

Let's look at the example of Norway. When drafting my bill, I drew heavily on the legislation that Norway passed, which resulted in a significant increase in the number of women on its boards of directors. I also looked at what a number of countries in the European Union were doing. Having more women on boards of directors has led to excellent economic results. It is therefore time that Canada made the most of Canadian women's skills.

• (1500)

I therefore ask you to vote for my bill in order to improve the quality of life of Canadians across the country. I also ask you to join the feminist club, which recognizes the equality of Canadian women in practical ways, and thus create a country where our daughter and granddaughters will be recognized as full-fledged citizens.

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Dawson, for the second reading of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

Hon. Janis G. Johnson: Honourable senators, I am pleased to rise today in strong support of Bill S-203, the ending the captivity of whales and dolphins act. As Senator Moore has told you, this bill would phase out the keeping of whales, dolphins and porpoises in captivity in Canada, with an exception for rescues and rehabilitation.

Colleagues, whether Canadian law should permit keeping whales in captivity is not a partisan issue. It is a moral issue, where our conscience agrees with science. The evidence shows that captive whales and dolphins suffer in a way that is not justifiable. I would, therefore, add my voice to Senator Moore's in calling for our chamber to lead the way on this issue.

I would appeal to all senators on both sides, as well as independents, to pass the ending the captivity of whales and dolphins act. I feel it is the right thing to do, and the time has come to act.

It is well-known that whales and dolphins are highly intelligent and social creatures, and, in the wild, they live in close family groups and roam great distances. Their home, the ocean, is a vast and stimulating environment, and they engage in complex, meaningful communications and interactions. In captivity, whales and dolphins are confined to the relative isolation of swimming pools. Scientific evidence establishes that, physically and psychologically, these creatures suffer in these conditions, and a whale in a swimming pool is a very sad sight. Every child understands why *Free Willy* has a happy ending.

Reviewing Senator Moore's remarks, I was particularly shocked to learn that a captive orca's range is only 1/10,000th of 1 per cent of the size of its natural home range. I was also shocked to learn that at Marineland in Niagara Falls, wild-caught

Russian belugas are bred to supply the trade of live whales to private U.S. theme parks like SeaWorld. Few Canadians are aware of this.

We also heard that at the Vancouver Aquarium a beluga whale swims thousands of laps in its tank, on and on for decades, every day, and that many Vancouver Aquarium belugas are on loan for captive breeding and entertainment at theme parks in places like Texas and Florida, transported many miles by airplane while suspended in slings. I feel that the Vancouver Aquarium's focus is supposedly on rescuing and rehabilitating distressed belugas, and perhaps this bill is an opportunity for the aquarium to refocus on those objectives.

I have reviewed Bill S-203. It is a reasonable and balanced piece of legislation, well supported by science. Whales, dolphins and porpoises, collectively known as cetaceans, are a distinct biological order, and their captivity is a distinct issue. We know that they are highly intelligent, emotional and social beings that require great space to thrive. We also know that in captivity, they suffer many mortalities and damage to their health. There is even evidence of self-harm, and this is unacceptable.

The ending the captivity of whales and dolphins act is a timely proposal. Many of you have seen the CNN-distributed documentary *Blackfish*, which explores the suffering and abnormal behaviour of captive orcas, and then the *Toronto Star*'s lengthy investigation into the conditions at Marineland in Niagara Falls, which holds the largest number of belugas in the world, that being approximately 45. There was footage released on the serious issues affecting their health, and in 2014, Jane Goodall made news when she condemned the Vancouver Aquarium's breeding program. As well, Ontario banned acquiring and breeding captive orcas. Just last week, SeaWorld announced that it would phase out keeping orcas in captivity, including discontinuing captive breeding.

Senators, Bill S-203 would take the next step in Canada. It would amend Canada's federal animal cruelty laws to prohibit captive breeding of all whales, dolphins and porpoises and ban live imports, exports and captures in Canadian waters, except for ones in distress. Canada is behind. We are behind Costa Rica, China, India, U.K., Italy, New Zealand, Hungary, Mexico and Cyprus. We need to catch up to science.

Economically, the changes brought on by Bill S-203 would be felt gradually. Marineland could keep its current captive whales and dolphins, many of which will live for decades, and during that time, Marineland can evolve into a more sustainable model, a change that the Mayor of Niagara Falls has welcomed, as has the Vancouver Aquarium, which could retain its current whales and dolphins for research and also acquire new ones for rescue and rehabilitation. For further clarity, this bill would certainly not prevent the operation of aquariums in general. Ripley's Aquarium in Toronto is a very successful example.

Honourable senators, Bill S-203 has received the backing of an impressive array of stakeholders: Phil Demers, formerly Head Trainer at Marineland; Dr. Mark Bekoff of the Jane Goodall Institute; Gabriela Cowperthwaite, director of the CNN-distributed documentary *Blackfish*; Dr. Jeffrey Ventre and other ex-trainers at SeaWorld in the U.S.; the Canadian Federation of Humane Societies; the British Columbia Society for the Prevention of Cruelty to Animals; and Zoocheck Canada.

I am so pleased that in this chamber our dear colleague Senator Moore has expressed such a strong desire to work across the aisle on this issue. I welcome that gesture of goodwill in the spirit of collaboration. I'm not the only senator on this side who would like to see this legislation move forward.

• (1510)

I understand that the Green Party leader, Elizabeth May, has expressed a strong interest in the other place, and I would love our Senate to take the lead. It is all very encouraging. This bill, colleagues and friends, could embody exactly the kind of positive cooperation Canadians are looking to see in our chamber as an opportunity to make a real difference on this issue.

Honourable senators, I believe the practice of keeping whales in captivity will not go on forever. We have to move with the times. Public opinion has shifted. Science makes it clear it is no longer acceptable to keep whales in captivity for entertainment, and with this bill we have the opportunity to get on the right side of the issue at the earliest stage. It is not a local issue, honourable senators, it is a moral issue.

As a senator from Manitoba, and you as senators from around this country, I'm sure you all believe Canadians have an interest in doing the right thing.

I am so proud to support Bill S-203. I thank my colleague for bringing it forward at this time. It is timely that we end the captivity of whales and dolphins in this country. Colleagues, let us show Canadians that not every issue need be partisan or political. Let's pass this bill, and quickly.

Thank you very much.

Hon. Senators: Hear, hear!

(On motion of Senator Plett, debate adjourned.)

[*Translation*]

CANADIAN PUBLIC CORPORATIONS GOVERNANCE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-216, An Act to provide the means to rationalize the governance of Canadian public corporations.

She said: Honourable senators, I propose to continue my research and give my speech later. I seek the indulgence of my colleagues. I will give my speech soon, since I am leaving the Senate on April 21. I propose that we reset the clock and that the debate be adjourned for the remainder of my time.

(On motion of Senator Hervieux-Payette, debate adjourned.)

[Senator Johnson]

[*English*]

THE ESTIMATES, 2015-16

SUPPLEMENTARY ESTIMATES (C)—THIRD REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Finance (Supplementary Estimates (C), 2015-16), tabled in the Senate earlier this day.

Hon. Larry W. Smith moved the adoption of the report.

He said: Honourable senators, the Standing Senate Committee on National Finance is proud to provide you with its third report prior to the appropriation acts that you will be asked to vote on, Bill C-8 and Bill C-9.

In the Supplementary Estimates (C) the government is requesting an overall increase of budgetary expenditures of \$5.1 billion for the fiscal year 2015-16. In order to review the estimates, the committee heard testimony from 14 departments and agencies, and the committee decided to report on some of the key issues.

Each of you has a copy of this report. In it we have a table of contents, and then to save time we have our summary of key issues and observations. We've done an executive summary so that each of you will have a chance to read the one page and be better informed as opposed to not reading the document. It is succinct, to the point and helpful.

If you turn to the executive summary, and I learned this from my predecessor, Senator Day, I will point out a couple of observations we have made.

The Treasury Board Secretariat is responsible for preparing estimates documents; however, the information provided on frozen allotments does not identify for which program the allotments are frozen. The provision of statutory forecast is in a separate document, which makes it difficult to analyze statutory spending, so we want to know the description of the frozen allotments.

As another example of the observations, Immigration, Refugees and Citizenship Canada is leading the federal government's initiative to bring Syrian refugees to Canada, but it is challenging to monitor the spending for an initiative that involves multiple departments. One of the things we talked about is horizontal spending between the departments. It is important to get a feel of how they interrelate, how the spending takes place, the total amount of spending and tying that to the results of what people are trying to achieve.

What we have done here is give examples of the key observations that the committee came up with. This saves you the time of having to go through the report, which is an excellent report and complete.

I would like to thank Senator Campbell and the members of our committee. We've worked extremely hard to put this together in a concise and factual way. You will see within the report that we have put all major observations in bullet form so that you can easily understand them and, if interested, internalize that particular information.

Your Honour, I know we have limited time because of the budget coming up, so that's it for my overview of the third report. I'm looking forward to giving a short overview of the fourth report coming up.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE ESTIMATES, 2016-17

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on National Finance (First Interim on Main Estimates 2016-18) tabled in the Senate earlier this day.

Hon. Larry W. Smith moved the adoption of the report.

He said: Honourable senators, the fourth report focuses on the Main Estimates for 2016-17. The government is requesting Parliament to authorize an overall budgetary expenditure of \$250.1 billion for the fiscal year 2016-17.

Our committee made several key observations within our fourth report, which you have a copy of. Again we put in an executive summary, which saves you the time of having to read the total document if you are not so inclined, but within the Main Estimates we have our bullet points, eight in this particular report.

When we look at the information in terms of our observations, one of our observations of course is that Fisheries and Oceans Canada is currently undergoing a \$7 billion recapitalization of its aging fleet. As the Canadian shipbuilding industry is gearing up from the ground, there are considerable risks of escalating costs and delays in project completion.

• (1520)

What we're really trying to say is we want to make sure there are performance clauses in each of these contracts so we can maximize value for money.

When we look at Employment and Social Development working to implement modifications to the Temporary Foreign Worker Program, there is an interesting fact: While the number of applications to the program is diminishing, the cost of managing the program is increasing because they are doing more in-depth analyses to determine who are the best candidates to bring forward.

These are the types of things we were able to uncover. Again, the document is written in a very concise way so that you will be able to get the messaging easily as you look at observations that are highlighted on the key parts of the report.

We would encourage you to at least take a look at the executive summary, because you will be better informed and be able to chat.

The other point, of course, is that because Finance is linked in all of the various committees, it's important for us to have that interaction between our committee and your committee, because you may be working on a project which has an amount of dollars involved. More importantly, we want to ensure we understand the outcomes of those particular efforts so that, again, it's tied to managing money and value. This is what we feel is our objective as a committee and making sure that we start to identify areas where people can perform better.

Our job is not to criticize the government. Our job is to ensure that we help government departments perform better. This is for Canada; this is all of us; this is for taxpayers.

I would like to thank Senator Campbell and the members of our committee. We're off to an excellent start, and we are looking forward to continuing on.

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

Senator Day, on debate.

Hon. Joseph A. Day: I don't have a question; I have a comment.

I thank the Chair of the Finance Committee for overviewing this document for us. We just received it this afternoon. We all understand the importance of having this interim report as well as the other report we just looked at and also received just this afternoon, but we have adopted that now.

This is an interim report on the Main Estimates for the entire year, \$250.1 billion. The chair suggests and encourages us to read the 24 pages. Having just received it, I haven't had a chance to even get through the executive summary, which is another interesting addition to the document.

I'm hoping that by asking for adjournment until tomorrow so that I can read the document, that that won't cause you any difficulties with respect to this matter.

I am moving adjournment of this matter.

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

Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (Rule 12-26 — Expenses incurred by the committee during the Second Session of the Forty-first Parliament and other matters) presented earlier this day.

Hon. Pana Merchant moved the adoption of the report.

She said: Honourable senators, the reason I'm asking you to move this report today is that this report deals with sittings and quorum. Since the committee is meeting on Thursday morning, I hope that you will adopt this report.

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Would Senator Merchant take a question?

Senator Merchant: Yes.

Senator Fraser: It has been a long time since I sat on a joint committee, so I'm assuming — and you can correct me if I'm wrong — that what happens is that contrary to normal Senate committees, these committees have to go back to the houses to get permission to do what we would normally do in an organizational meeting. I notice that your report has all kinds of things that our committees would normally do in an organizational meeting, but for procedural reasons, you have to do it this way. Have I got that straight?

Senator Merchant: Yes. I think they have to do the same thing in the other house, too.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Senator Day]

THE SENATE

MOTION TO INVITE THE GOVERNMENT TO OBTAIN COMPENSATION FOR VOLUNTEERS AND CIVILIAN MEMBERS OF NATIONAL DEFENCE WHO PARTICIPATED IN THE CONSTRUCTION OF THE CHALK RIVER NUCLEAR REACTOR ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Mercer:

That the Senate of Canada call on the government to establish a program similar to the Atomic Veterans Recognition Program in order to offer \$24,000 in compensation to the civilian volunteers and employees who assisted in decontamination work at the nuclear reactor in Chalk River, Ontario, in 1952 and 1958 and who were excluded from the Program, which was available only to the personnel of the Canadian Armed Forces and the Department of National Defence.

Hon. Judith Seidman: Honourable senators, I rise today to speak to you about Senator Hervieux-Payette's Motion No. 6. It calls on the Government of Canada to establish a program similar to the Atomic Veterans Recognition Program, and offers \$24,000 in compensation to the civilians and employees who volunteered to help decontaminate the Chalk River nuclear site in 1952 and 1958.

As most of us already know, in 1952, Chalk River became the first serious nuclear reactor accident in the world. Human error and mechanical design faults were concluded to be the cause. At the time, there were no apparent injuries, and the surrounding population was not particularly frightened by reports of potential risks.

Employees and volunteers took it upon themselves to begin the cleanup, exposing themselves to the radiation fields of a very contaminated building site. Military support was called in two days later to help with the cleanup operation along with continued civilian and employee collaboration. Then, back in 1952, understanding of the exposure effects of nuclear radiation was so limited that foreign governments offered to help with the cleanup, as well, in order to learn and train their own personnel.

Later, in 1958, a rupture occurred at Chalk River due to a mechanical failure which led to the nuclear contamination of the reactor hall. Staff had to carry sandbags into the reactor hall in order to limit burning of the fuel rods. They were exposed to debris and contamination from the burning rods. It took 300 AECL staff to decontaminate this site.

The first AECL follow-up report to these incidents was conducted in 1982. It was meant to assess the long-term health impacts on civilians, both AECL and volunteers involved in the decontamination process of the 1952 incident.

The second follow-up report was conducted to provide details on the decontamination process as well as information on the type of work performed, the exposures of the staff and statistics on the radiation dosage that occurred as a result of the 1958 nuclear incident. Both reports concluded that “the exposed participants did not suffer any observable health differences when compared with the general population of Ontario.” In fact, it was observable differences in mortality rates of those involved in the decontamination process that were compared to those of the general population of Ontario at the time.

• (1530)

Honourable senators, there are significant questions about the findings in both follow-up reports. Questions include ones around a faulty study methodology that focuses only on excess mortality as opposed to excess morbidity. One would expect serious chronic illness issues as a result of such toxic exposure.

Also, it is likely that the results of these studies showing no excess mortality and never examining morbidity will have formed the basis of the original decisions not to compensate the AECL employees and volunteers who worked at the decontamination scene at the very outset and may have been the most exposed. In addition, it is said that comparisons with the general population of Ontario, not adjusted for socio-economic status and education, would lead to biased mortality estimates. Ultimately, information collected about these workers has provided good data about the long-term health hazards associated with such nuclear accidents.

Honourable senators, in 2008, the government decided on a special compensation for veterans and employees of the Department of National Defence involved in hazardous events where nuclear radiation was present. This compensation program included military personnel involved in the Chalk River decontamination operations. Special efforts must now be made to implement a similar program to compensate those civilian volunteers and AECL staff who were also involved in the very same decontamination operations at Chalk River.

We can look to our southern neighbour for inspiration. In 1990, the United States Congress passed the Radiation Exposure Compensation Act. It provided compensation to individuals who contracted certain cancers and other serious illnesses following their exposure to radiation released during atmospheric nuclear testing or after employment in the uranium industry. The act provides compensation to individuals who contracted one of 27 medical conditions, and it includes civilian workers, military personnel and civilians located in “downwind” areas near the testing site.

Honourable senators, not one of us would suggest that nuclear radiation contamination and the resulting exposures at the Chalk River nuclear facility in the 1952 and 1958 incidents should be ignored in the cases of volunteers but not in the cases of military personnel. I support Senator Hervieux-Payette when she asks us to ensure that those former AECL employees — perhaps there are 102 of them, both deceased and those still alive — who worked the Chalk River decontamination process in 1952 and 1958 receive the same financial compensation that was given to National Defence personnel. As she says: Justice should be done. It is the right thing to do.

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY EXPORT PERFORMANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Day:

That the Standing Senate Committee on Banking, Trade and Commerce, when and if it is formed, be authorized to examine and report on Canada’s export performance as compared to international best practices in order to provide recommendations to improve Canada’s current export performance, the worst in 30 years according to the OECD;

That the committee make a preliminary report on the current export performance to the Senate no later than April 14, 2016; and

That the committee make to the Senate a final report on the implementation of an integrated policy for all partners to improve Canadian exports to all countries, especially those with which Canada has a free trade agreement, no later than December 16, 2016.

Hon. Diane Bellemare: Honourable senators, I want to begin by apologizing for taking so long to speak to this motion. I will be brief.

I would like to congratulate Senator Hervieux-Payette for the work she and her team did on the Canadian export file. Her office’s report, *Review of Free Trade Agreements and Trade Policies of Canada 2006-2015: A Call for National Action*, sheds considerable and interesting light on Canadian exports over the past 10 years.

As the senator points out, the export file is a major one for Canada’s economy. In its 2014 report on Canada, the OECD stated that Canada should do more to boost its non-commodity exports, its competitiveness and its productivity.

The senator’s report indicates that the various free trade treaties signed with other countries are not a panacea to boost Canadian exports. To use the wording from the report, they are, and I quote, “at best necessary but not at all sufficient.” I think you are

quite right on that point, senator. Free trade agreements are necessary to export growth, but they are indeed insufficient. For example, in the 1990s, Canada's international exports jumped dramatically as a result of the North American Free Trade Agreement, better known as NAFTA. The Canadian economy gained some momentum, propelled by NAFTA and global economic prosperity.

Everything changed in the 2000s. Although Canada signed a number of agreements, the sluggishness of the global economy, especially in 2008 and after, hampered the growth of Canadian exports abroad.

Senator Hervieux-Payette's report therefore focuses on the performance of the federal and provincial public services that promote exports. It concludes that we should have a single ministry of industry and trade that would be responsible for all public services to promote domestic and foreign trade. It also includes recommendations for adult education, innovation and productivity.

The senator's report, in and of itself, constitutes the centrepiece for a committee study. However, I am not convinced that grouping all public services to promote exports under a single federal ministry is the answer to the problems with Canada's export performance. I don't think that Canada's export performance is necessarily tied to the government structures related to public services in this area.

The Banking, Trade and Commerce Committee recently heard from a number of experts regarding the falling Canadian dollar and also questioned these experts about how the dollar affects our exports. What I understood is that the topic of Canadian exports to other countries is more complex than it seems. We certainly need to try to better understand how the globalization of production is affecting the value of Canadian exports, which Senator Hervieux-Payette suggests in her proposed study.

However, in spite of all these good reasons for undertaking such a study, I don't feel comfortable supporting this motion right now, since it calls on the Banking Committee to examine this issue, even though, according to our Rules, this issue falls under the purview of the Standing Committee on Foreign Affairs and International Trade. This is the committee that examines free trade agreements and issues related to international trade.

The committee's mandate states:

The Standing Senate Committee on Foreign Affairs and International Trade has a mandate to examine legislation and matters relating to foreign and Commonwealth relations, including: treaties and international agreements; external trade; foreign aid; and territorial and offshore matters.

The mandate of the Standing Senate Committee on Banking, Trade and Commerce states:

The Standing Senate Committee on Banking, Trade and Commerce has the mandate to examine legislation and to study issues related to banking, insurance, trust and loan companies, credit societies, caisses populaires and small

loans companies. It is also responsible for considering customs and excise issues, taxation legislation, patents, royalties, corporate affairs, and bankruptcy-related issues.

The committee has conducted major studies in areas as diverse as corporate governance, financial sector reform, insolvency, Crown corporations, taxation, business and trade, productivity, financial crimes, retirement and digital currency.

• (1540)

Since Senator Hervieux-Payette's motion has to do with economics, one might think that the Standing Senate Committee on Banking, Trade and Commerce would be the most appropriate committee to examine the economic issues related to international trade.

However, when we read the mandates given to each committee, it is clear that the Standing Senate Committee on Foreign Affairs and International Trade is the committee that is responsible for examining international trade issues, while the Banking, Trade and Commerce Committee is responsible for examining interprovincial trade issues.

Senator Hervieux-Payette's motion brings to light certain problems with how the mandates of the Senate standing committees are defined. The time has clearly come to review the committees' mandates and adapt them to meet 21st century needs. That is something that we must do one day in order to modernize our Senate committees.

Since I am not prepared to comment on this issue before I hear what my colleagues have to say about the problem with the different committee mandates, I ask that one of you move adjournment of the debate.

(On motion of Senator Ringuette, debate adjourned.)

[*English*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MARCH 23, 2016 ADOPTED

Hon. Yonah Martin (Deputy Leader of the Opposition), for Senator Carignan, pursuant to notice of March 10, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Wednesday, March 23, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

(Motion agreed to.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO STUDY OPPORTUNITIES FOR STRENGTHENING COOPERATION WITH MEXICO SINCE THE TABLING OF THE COMMITTEE REPORT ENTITLED: *NORTH AMERICAN NEIGHBOURS: MAXIMIZING OPPORTUNITIES AND STRENGTHENING COOPERATION FOR A MORE PROSPEROUS FUTURE.*

Hon. A. Raynell Andreychuk, pursuant to notice of March 10, 2016, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on opportunities for strengthening cooperation with Mexico since the tabling, in June 2015, of the committee report entitled: *North American Neighbours: Maximizing Opportunities and Strengthening Cooperation for a more Prosperous Future*; and

That the committee submit its final report no later than March 31, 2017.

She said: Honourable senators, we filed our report in June 2015. The Standing Senate Committee on Foreign Affairs and International Trade is continuing that study at the request of the Parliament in Mexico, who wish to continue the dialogue on the trilateralism and we wish to update it before the June meetings that may occur between the leaders. I am asking that this reference be passed.

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

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY RECENT POLITICAL AND ECONOMIC DEVELOPMENTS IN ARGENTINA IN THE CONTEXT OF THEIR POTENTIAL IMPACT ON REGIONAL AND GLOBAL DYNAMICS AND REFER PAPERS AND EVIDENCE FROM STUDY ON FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY DURING THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT TO CURRENT SESSION.

Hon. A. Raynell Andreychuk, pursuant to notice of March 10, 2016, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on recent political and economic developments in Argentina in the context of their potential impact on regional and global dynamics, including on Canadian policy and interests, and other related matters;

That the papers and evidence received and taken and work accomplished by the committee during the First Session of the Forty-second Parliament, as part of its study on foreign relations and international trade generally, as authorized by the Senate on January 27, 2016, form part of the papers and evidence received and taken for the purposes of this study; and

That the committee submit its final report no later than May 31, 2017 and that it retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

She said: Honourable senators, this is a study undertaken by the committee. We are looking at a number of issues but in light of the situation of Argentina and the dramatic change within the governance structures and within Argentina's role in the region, we thought it would be timely and necessary to study the issue, as it seems to be a trend within South America and it is also, I think, instructive of the direction in which the continent is moving. Argentina is pivotal and we believe we should take note of it and make recommendations to the Government of Canada for opportunities sooner rather than later.

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

(Motion agreed to.)

(The Senate adjourned until Wednesday, March 23, 2016, at 2 p.m.)

CONTENTS

Tuesday, March 22, 2016

	PAGE	PAGE
SENATORS' STATEMENTS		
Belgium		
Tragedy in Brussels.		
Hon. Claudette Tardif	376	
La Journée internationale de la Francophonie		
Hon. Claudette Tardif	376	
Visitors in the Gallery		
The Hon. the Speaker	376	
World Down Syndrome Day		
Hon. Tobias C. Enverga, Jr.	376	
Visitors in the Gallery		
The Hon. the Speaker	377	
Terrorist Attacks in Belgium and Turkey		
Hon. Mobina S. B. Jaffer	377	
Visitors in the Gallery		
The Hon. the Speaker	377	
Alison Azer		
Abduction of Children.		
Hon. Daniel Lang	377	
<hr/>		
ROUTINE PROCEEDINGS		
The Estimates, 2015-16		
Supplementary Estimates (C)—Third Report of National Finance Committee Tabled.		
Hon. Larry W. Smith	378	
The Estimates, 2016-17		
Main Estimates—Fourth Report of National Finance Committee Tabled.		
Hon. Larry W. Smith	378	
Scrutiny of Regulations		
First Report of Joint Committee Presented.		
Hon. Pana Merchant	379	
Appropriation Bill No. 5, 2015-16		
First Reading.		
The Hon. the Speaker	379	
Hon. Joan Fraser	379	
Appropriation Bill No. 1, 2016-17		
First Reading.		
The Hon. the Speaker	379	
Hon. Joan Fraser	379	
Linguistic Plurality Bill		
First Reading.		
Hon. Mobina S. B. Jaffer	379	
Senate Modernization		
Notice of Motion to Authorize Special Committee to Meet During Sitting of the Senate.		
Hon. Paul E. McInnis	380	
The Senate		
Notice of Motion to Amend Rule 12 of the <i>Rules of the Senate</i> Pertaining to the Committee of Selection.		
Hon. John D. Wallace	380	
<hr/>		
ORDERS OF THE DAY		
Genetic Non-Discrimination Bill		
Second Report of Human Rights Committee—Debate Adjourned.		
Hon. Jim Munson	380	
Hon. James S. Cowan	381	
Criminal Code		
Bill to Amend—Second Reading—Debate Adjourned.		
Hon. Céline Hervieux-Payette	382	
Boards of Directors Modernization Bill		
Second reading—Debate Continued.		
Hon. Céline Hervieux Payette	383	
Criminal Code		
Bill to Amend—Second Reading—Debate Continued.		
Hon. Janis G. Johnson	385	
Canadian Public Corporations Governance Bill		
Second Reading—Debate Adjourned.		
Hon. Céline Hervieux-Payette	386	
The Estimates, 2015-16		
Supplementary Estimates (C)—Third Report of National Finance Committee Adopted.		
Hon. Larry W. Smith	386	
The Estimates, 2016-17		
Main Estimates—Fourth Report of National Finance Committee—Debate Adjourned.		
Hon. Larry W. Smith	387	
Hon. Joseph A. Day	387	
Scrutiny of Regulations		
First Report of Joint Committee Adopted.		
Hon. Pana Merchant	388	
Hon. Joan Fraser	388	
The Senate		
Motion to Invite the Government to Obtain Compensation for Volunteers and Civilian Members of National Defence who participated in the Construction of the Chalk River Nuclear Reactor Adopted.		
Hon. Judith Seidman	388	
Banking, Trade and Commerce		
Motion to Authorize Committee to Study Export Performance—Debate Continued.		
Hon. Diane Bellemare	389	
The Senate		
Motion to Affect Question Period on March 23, 2016 Adopted.		
Hon. Yonah Martin	390	

	PAGE		PAGE
Foreign Affairs and International Trade		Committee Authorized to Study Recent Political and Economic Developments in Argentina in the Context of their Potential Impact on Regional and Global Dynamics and Refer Papers and Evidence from Study on Foreign Relations and International Trade Generally during the First Session of the Forty-second Parliament to Current Session.	
Committee Authorized to Study Opportunities for Strengthening Cooperation with Mexico since the Tabling of the Committee Report Entitled <i>North American Neighbours</i> .		Hon. A. Raynell Andreychuk	391
Hon. A. Raynell Andreychuk	391		

Published by the Senate

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