



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 77

OFFICIAL REPORT
(HANSARD)

Thursday, September 18, 2014

The Honourable NOËL A. KINSELLA
Speaker

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

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Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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

THE SENATE

Thursday, September 18, 2014

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of officers from the Princess Patricia's Canadian Light Infantry and the Royal 22^e Régiment, who are commemorating their one hundredth anniversaries. They are accompanied by members of the Korean Veterans Association Unit #7. They are guests of the Honourable Senator Martin and the Honourable Senator Day.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

PRINCESS PATRICIA'S CANADIAN LIGHT INFANTRY ROYAL 22ND REGIMENT

ONE HUNDREDTH ANNIVERSARIES

Hon. Joseph A. Day: Honourable senators, along with Senator Martin, I would like to welcome our guests here today, very distinguished guests from the Princess Patricia's Canadian Light Infantry and the Royal 22^e Régiment du Canada, both of whom are celebrating their one hundredth anniversary.

The Royal 22^e Régiment is a historically distinct unit in Canada, being the first French-speaking regiment in Canada, and today comprises the largest regiment in the Canadian Armed Forces.

[*Translation*]

The 22nd Regiment, as it was called at the time, is the result of French Canadians' desire to establish a francophone fighting force during the First World War.

Arthur Migneault, who was a French-Canadian pharmaceutical entrepreneur, led an extensive campaign that allowed the regiment to become operational and led it to the front lines in 1915.

On the other side of the Atlantic, anglophone soldiers regularly mispronounced the French term for 22, which resulted in the nickname that is still used today, the "Van Doos."

The Royal 22nd Regiment fought with distinction in every major Canadian campaign during the First World War, and like every other regiment of the Canadian Forces, it was disbanded after the war.

Fortunately, in the subsequent reorganization of the armed forces and in response to lobbying from the French public, who called for the creation of a French-Canadian regiment, the 22nd Regiment was re-established.

In 1921, King George approved the renaming of the Royal 22nd Regiment, and a few years later, it was rechristened the Royal 22^e Régiment to reflect its francophone identity.

The Van Doos was one of the first Canadian forces to be sent to Europe during the Second World War. During the Korean War, the Van Doos represented one-third of the forces sent to defend the peninsula.

In the most recent conflict, members of the Royal 22^e Régiment distinguished themselves by serving bravely in Canada's humanitarian mission to Haiti and in Afghanistan, where they tragically lost over 70 soldiers in the fight against the Taliban.

A few weeks ago, I had the pleasure of attending the reunion at the Royal Military College Saint-Jean. A bronze monument was erected at the college 50 years ago in honour of the Royal 22^e Régiment.

The monument is located where the regiment trained in 1914. As I stood before that monument, I had no idea that just a few weeks later I would have the honour of thanking, here in the Senate, those who have served, both young and old.

On behalf of all honourable senators, I want to thank you for risking your lives to keep Canada safe over the past 100 years.

Lest we forget.

Hon. Senators: Hear, hear!

• (1340)

[*English*]

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I rise today to pay tribute to the brave men and women of the Princess Patricia's Canadian Light Infantry and the Royal 22nd Regiment, during this historic one hundredth anniversary year for both regiments.

[*Translation*]

I am honoured to deliver a joint speech with my colleagues, the Honourable Joseph Day and Parliamentary Secretary Parm Gill, who is giving a speech in the House of Commons today in tribute to two of Canada's most prestigious regiments on the occasion of their hundredth anniversary.

[*English*]

Honourable senators, I continue with this second half of today's tribute to the PPCLI. On August 3, 1914, Hamilton Gault, of Montreal, offered to raise and equip a Canadian battalion for overseas service. On August 6, the government accepted the offer, and the daughter of the Governor General at the time, the highly popular Princess Patricia, granddaughter of Queen Victoria, agreed to lend her name to the newly formed regiment. The charter of the regiment was signed on August 10, 1914.

[*Translation*]

Throughout their hundred-year history, the men and women of the PPCLI have served courageously, made countless sacrifices and lost comrades.

[*English*]

To this day, some still wear the effects of the war. They fought in World War I, World War II, the Korean War, Cyprus, the Balkans and Afghanistan. They fought in horrendous conditions, day and night, in foreign lands, but, despite the odds often stacked against them, they persevered and never gave up.

[*Translation*]

As a Canadian of Korean descent, I owe my life to the brave men and women of the PPCLI and the Royal 22nd Regiment who fought during the Korean War.

[*English*]

Though greatly outnumbered, the PPCLI held the last line of defence to fight off enemy attacks during the Battle of Kapyong. More than 3,800 Patricias served in the Korean War; 429 were wounded; 107 killed; and 1 taken prisoner of war. Their outstanding heroism and exceptionally meritorious conduct earned them a United States Presidential Citation, the only Canadian unit to ever receive such a distinction. Today, Kapyong and Korea are two of 22 battle honours emblazoned on the PPCLI's Regimental Colours.

The dynamic Korea of today, an economic equal to Canada and the first Asian country to sign a free trade agreement with Canada, would not be in existence had the PPCLI and the

Van Doos and others not fought so valiantly against communist aggression in a country that few Canadians had ever heard of before. But in Korea, as in other places before and after, the two regiments went into battle side by side and did our nation proud.

I ask honourable senators to join me, on behalf of all Canadians, in honouring our esteemed Patricias and Van Doos, past, present and future, as well as our Korean War veterans who are present here today.

Congratulations.

Hon. Senators: Hear, hear!

[*Translation*]

ALBERTA EMERALD FOUNDATION

Hon. Grant Mitchell: Honourable senators, today I would like to talk about a remarkable organization dedicated to developing innovative and sustainable environmental practices.

The goal of the Alberta Emerald Foundation, which is based in a province rich in natural resources, is to raise public awareness of new technologies, promote environmental best practices and support research in the energy sector.

Sponsored by companies such as Enbridge and Shell, the foundation hands out awards and subsidies to companies, non-profits and governments. The foundation seeks to lead by example. It celebrates the determination of energy and environment sector stakeholders in the hope of inspiring other companies to make environmental innovation the norm.

The Alberta Emerald Foundation organizes community events called "Emerald Day," which to date have been held in Red Deer, Grande Prairie and Fort McMurray. The Foundation showcases success stories from across the province, thereby raising community awareness of the importance of energy and environmental sustainability.

The Alberta Emerald Foundation also created a youth grant program. Thanks to ConocoPhillips Canada, the Alberta Beverage Container Recycling Corporation and Newalta, young people can apply for grants of up to \$400 to fund various initiatives, such as inviting guest speakers, organizing field trips and obtaining environmentally friendly supplies.

Like the Alberta Emerald Foundation, we should all look for ways to raise our expectations regarding environmental oversight in this country.

Some Hon. Senators: Hear, hear!

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation led by Dr. DeLisle Worrell, Governor of the Central Bank of Barbados. He is accompanied by officials of his bank, including Mrs. Marlene Bayne, Director, Bank Supervision Department; Miss Tamara Hurley, Risk Assessment Analyst, Bank Supervision Department; Mr. Anton Belgrave, Deputy Director, Research and Economic Analysis Department; and Miss Sadie Dixon, Legal Counsel. They are the guests of the Honourable Senator Meredith.

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

Hon. Senators: Hear, hear!

EMPOWERING YOUTH

Hon. Don Meredith: Honourable senators, I'm delighted to rise and welcome my colleagues again to the Second Session of the Forty-first Parliament of Canada. It remains a great privilege to serve in this great institution.

Of course, with privilege comes great responsibility. In the words of the great Nelson Mandela, "There is no passion to be found playing small — in settling for a life that is less than one you are capable of living."

To me, that passion involves doing all I can to help make a difference in our young people's lives, who are not only a percentage of our population, but 100 per cent of our future. Over the past several months I have been striving to engage, encourage and empower them — whether here, on Parliament Hill, or as the volunteer Executive Director of the Greater Toronto Faith Alliance Centre, which helps to keep youth off the streets while providing them the tools for success.

It was with this same passion that I was able to successfully deliver the first-ever Parliament Hill-based online live-streamed Canada Youth Forum to address the systemic challenges our youth face in this country.

I remain energized about the progress we are making on crafting the basis of a national youth strategy for Canada. This also is why, last June, I was pleased to visit the Somali Canadian Youth Centre here in the nation's capital to hear from them and to find ways to further inspire them about their rightful place in this great country.

You will note that Nelson Mandela also said, "Education is the most powerful weapon which you can use to change the world." As such, I wish to offer advance notice to honourable senators to join me in receiving and educating these young people here in the Senate of Canada in the coming weeks ahead.

Last June, I was proud to deliver this very message on the power of education to the Merl Grove High School Alumni Association in the Greater Toronto Area in support of scholarships for high-performing students.

Honourable senators, education improves future opportunities for young people. Trade creates opportunities in the present — for us and our trading partners — especially in developing countries.

• (1350)

That is why, last July, on behalf of the Government of Canada, I was proud to announce an investment of more than \$15 million for youth employment and entrepreneurship projects for Nigeria — a country where religious extremists continue to threaten freedom, democracy and the rule of law.

Colleagues, I am proud that a nation blessed with good fortune such as ours understands its responsibility beyond its borders. We saw this just yesterday, as we received gratitude from the President of Ukraine before a joint session of Parliament.

I heard this in Macedonia, where I delivered a lecture at the School for Young Leaders about transparency, accountability and good governance, which lead to transformational leadership.

Honourable senators, the world values an engaged and proactive Canada. That is why, for the third year in a row, as co-chair of the Canada-CARICOM Parliamentary Friendship Group, I was able to lead a business delegation to Jamaica, and I spoke to the prime minister about Canada's commitment to trade and development.

Just this past Monday, I was proud to address the first ever Canada-Africa Business Summit organized by the Canadian Council on Africa, focusing on Ethiopia and Cameroon.

As well, today, we welcome the governor, Dr. Worrell, and his delegation from Barbados, who come here to present their financial model for us, to gain partnerships and best practices.

Canada and Barbados have enjoyed a very close relationship that goes as far back as the 17th century. We share common values, a Commonwealth history and strong people-to-people ties. We are encouraged that our work together will help generate economic opportunities here in Canada and in Barbados.

We can all be proud that Canada is making a difference here for Canadians and in the global community. That establishes a brighter future for all of our youth.

Thank you.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2013-14 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2013-14 annual report of the Office of the Auditor General of Canada, pursuant to section 72 of the Access to Information Act and section 72 of the Privacy Act.

[English]

PETRO POROSHENKO, PRESIDENT OF UKRAINE

ADDRESS TO MEMBERS OF THE SENATE AND THE HOUSE OF COMMONS—MOTION TO PRINT AS AN APPENDIX ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the Address of the President of the Ukraine, to Members of both Houses of Parliament, delivered Wednesday, September 17, 2014, together with all introductory and related remarks be printed as an Appendix to the *Debates of the Senate* of this day and form part of the permanent records of this House.

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?

(Motion agreed to.)

(For text of speeches, see Appendix, p. 2105.)

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL MISSION, MARCH 15-21, 2014— REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa

Parliamentary Association respecting its Bilateral Mission to the Republic of Madagascar and the Republic of Mozambique, held in Antananarivo, Madagascar and Maputo, Mozambique, from March 15 to 21, 2014.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—NOTICE OF MOTION TO WITHDRAW FROM LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AND DECLARE ALL PROCEEDINGS TO DATE NULL AND VOID

Hon. Pierre-Hugues Boisvenu: Honourable senators, pursuant to rule 5-12, I give notice that five days hence, I will move:

That Bill C-479, An Act to amend the Corrections and Conditional Release Act (fairness for victims), be withdrawn from the Standing Senate Committee on Legal and Constitutional Affairs and that all proceedings on the bill to date be declared null and void.

QUESTION PERIOD

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— POST-TRAUMATIC STRESS DISORDER TREATMENT

Hon. Grant Mitchell: Colleagues, I have the privilege of asking, under our public question period program, a question from Rolly Beaulieu, who is an RCMP constable suffering from severe PTSD as a result of harassment he has received in the RCMP dating back as far as 2002.

Diagnosed as unfit for all police duties, still suffering grievous injury — PTSD — and convinced that the RCMP will use its new powers under Bill C-42 to fire him, he has given notice to retire next year. The RCMP has informed him that RCMP management will deal with his harassment complaints after he retires.

Given that he has been singled out publicly for negative criticism by the Commissioner of the RCMP, who in that organization will ensure that his complaints will be addressed in an unbiased manner once he's retired?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator Mitchell, I prefer not to use question period to discuss individual cases. I will just answer the question more generally by recognizing the bravery that RCMP officers show in the performance of their duties. I believe that we are doing what we can to ensure that they have the tools they need to do their job.

As you know, the RCMP provides a wide range of services to treat members who are suffering from operational stress such as post-traumatic stress. We rely on various experts to ensure the mental health of RCMP officers. As I have already said, Veterans Affairs Canada runs specialized clinics for operational stress-related injuries. Every clinic has a team of psychiatrists, psychologists, social workers, mental health nurses, and others who provide specialized services. The clinics operate on best practices, are tailored to individual needs, and the team works closely with local health care providers to ensure individual-based treatment.

[English]

Senator Mitchell: Given that after 12 years his harassment complaints still haven't been addressed, what reassurance can he possibly be given that the actual harassment complaints and occurrences of harassment will be redressed, answered and dealt with by the RCMP once he has retired?

[Translation]

Senator Carignan: I believe you can tell that individual that, as a member of the RCMP, he has access to the peer support program, including the employee assistance program. This confidential and elective program is there to provide support to RCMP employees and their families who are having personal, social, health, or work-related problems.

• 1400

It is imperative that, over the course of the work day, all members of the RCMP be able to carry out their regular duties without fear of harassment or mistreatment by colleagues or superiors. That is why, as you mentioned earlier, we passed Bill C-42, Enhancing Royal Canadian Mounted Police Accountability Act, and also why we offer, through the RCMP, these internal support programs.

[English]

Senator Mitchell: Honourable senators, every major police force in the country, except the RCMP, is supervised in its day-to-day activities by a public oversight police commission. The RCMP, as I said, is the exception.

Would the Leader of the Government not consider that perhaps the fundamental structural and cultural problems that have created the kind of harassment that has been experienced so devastatingly by Constable Rolly Beaulieu and many others would be addressed more effectively and that that organization's culture could be improved significantly if it, too, were subjected to the administration, supervision, day-to-day surveillance, as it were, and management assistance of a public police commission?

[Senator Carignan]

[Translation]

Senator Carignan: I heard your suggestion, Senator. However, as I said, we recognize the courage of RCMP officers and ensure that high-quality services are offered to members suffering from operational stress, such as post-traumatic stress disorder. Bill C-42, which was passed last year, will help us ensure that RCMP members can work without fear of harassment or mistreatment by their colleagues or superiors.

[English]

Senator Mitchell: Almost every major police force — if not every major police force in Canada — except the RCMP has a union. It's possible to have a union without the right to strike and, in fact, members of the RCMP are asking for such a union without the right to strike.

Would it not be much more likely that, long before 12 years, these kinds of harassment allegations and incidents that Mr. Beaulieu has been subjected to would have long since been solved if they had had the kind of independent representation that members of the union organization in other police forces get on a daily basis?

[Translation]

Senator Carignan: I don't understand the link that you are making between the presence of a union and prevention of post-traumatic stress. There are many non-unionized jobs where harassment in the workplace can occur. Whether the workplace is unionized or not, as is the case in the RCMP, it is important that our members have access to treatment and prevention services. I listed those services earlier and, therefore, I will not repeat myself. That is why we passed Bill C-42.

[English]

Senator Mitchell: The military and other organizations, other police forces, have independent offices of ombudsmen to deal with the kinds of complaints that have been raised by Mr. Beaulieu and many other constables. The RCMP doesn't have such an ombudsman.

Would the leader not consider that perhaps the implementation of an independent office of the ombudsman for the RCMP would go a long way towards reducing the kinds of complaints, difficulties and problems that constables like Constable Beaulieu have experienced repeatedly, often and far too frequently, in fact, in the RCMP?

[Translation]

Senator Carignan: When someone experiences a traumatic event related to stress or suffers from post-traumatic stress disorder, the best way to help that person is to ensure that teams of psychiatrists, psychologists, social workers, mental health nurses

and other specialists are available. It is also important to provide such individuals with an internal peer support program, such as the member and employee assistance program. As I said, this kind of service is preferable in such cases. This is a confidential, voluntary program that provides support to RCMP employees and their families when they need help with personal, social, health or work issues.

[English]

HEALTH

AMYOTROPHIC LATERAL SCLEROSIS ASSOCIATION ICE BUCKET CHALLENGE

Hon. Donald Neil Plett: Honourable senators, my question is for the Leader of the Government.

On August 24, Minister Shelley Glover issued a challenge to me, and that challenge related to the ALS Ice Bucket Challenge. It's a great cause raising money for Lou Gehrig's disease. On August 25, I accepted her challenge. It was about 5 degrees in Manitoba and I accepted her challenge. Donating the money wasn't difficult, but having the ice water poured on my head was somewhat difficult. However, I accepted her challenge.

I then issued a challenge, because you're supposed to challenge forward, or pay forward, if you will. So I issued a challenge, leader, to you, our friend Rosemary Barton from the CBC, and our friend and colleague opposite, Senator Grant Mitchell.

Some Hon. Senators: Hear, hear.

Senator Plett: Rosemary Barton very quickly accepted the challenge. She was in Manitoba on holidays visiting her family, so the temperatures were about what they were when I did this. I give her credit for that.

You, leader, also eagerly accepted the challenge, albeit you were on a cruise, the temperature was 30 degrees and you were in swimming trunks. However, I appreciated that you accepted the challenge and you went through with it.

Senator Mitchell, when I sent the YouTube around, thanked me for challenging him as well, and offered that he would certainly accept this. In fairness, Senator Mitchell did contribute to the cause, and contributed significantly more money than I had even asked him to. However, he has yet to fulfill the difficult part of this challenge and have this ice water poured on his head.

My question to you, leader, is: Would it be appropriate, leader, for me to ask Senator Mitchell to, sometime in the next week or so, meet me outside on the lawn of Parliament Hill and fulfill the entire part of this challenge?

Some Hon. Senators: Hear, hear.

Senator Mitchell: Point of order.

[Translation]

Hon. Claude Carignan (Leader of the Government): I think that question was for the Leader of the Government in the Senate. I thank you for your question. When presented with such a challenge, it is important to rise to it, especially for such an excellent cause.

I did not get the message right away, because I was out of the country at the time. Perhaps it seemed easier to take on the challenge in 32-degree weather. When one believes in a cause, it is good to get involved, and I congratulate Senator Mitchell for contributing. However, when you really believe in it, sometimes you have to get wet. I therefore think that Senator Mitchell should agree to get wet.

[English]

The Hon. the Speaker: The Speaker is having difficulty understanding how this relates to Government Business or whether it has to do with some religious, liturgical practice of using water.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, we have very distinguished guests in our gallery, His Excellency Kassa Tekeberhan Gebrehiwot, Speaker of the House of the Federation of the Federal Democratic Republic of Ethiopia, from the land of the Lion of Judah.

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

Hon. Senators: Hear, hear!

• (1410)

ORDERS OF THE DAY

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Seidman, seconded by the Honourable Senator McInnis, for the second reading of Bill C-17, An Act to amend the Food and Drugs Act.

Hon. Art Eggleton: Colleagues, I'm rising to speak on Bill C-17, entitled the Protecting Canadians from Unsafe Drugs Act. It proposes several amendments to the Food and Drugs Act, which has not been significantly adjusted for, I understand, over 50 years.

We did have, a few years ago, a piece of legislation called Bill C-51, which proposed similar amendments, with some additional provisions as well; however, it didn't proceed after dying on the Order Paper in December 2008 and so here we are now, five years later, receiving Bill C-17.

In addition to that formal title, the Protecting Canadians from Unsafe Drugs Act, it is also referred to as "Vanessa's Law," in memory of Conservative MP Terence Young's daughter Vanessa, who tragically died in the year 2000 from an adverse drug reaction. Of course, this particular bill and the legislation in it has been a cause of his for quite a number of years.

It's also been a cause for the Standing Senate Committee on Social Affairs, Science and Technology because, for the last two and a half years, under the chairmanship of Senator Kelvin Ogilvie, we have been studying prescription pharmaceuticals in Canada. We have, over this period of time, heard from many notable health experts on prominent areas of concern, which include clinical trials, post-approval drug monitoring, off-label use and, most recently, unintended consequences of prescription pharmaceuticals.

As deputy chair of that committee, I was very pleased to see that some of the recommendations outlined in our four reports — we've done four reports on pharmaceuticals — were incorporated into Bill C-17. I'm very pleased to say these four reports are the unanimous product of the committee over this period of time, and three of them have passed through the Senate unanimously. The fourth one will be here in another week or so.

I want to express my congratulations to Senator Seidman for her presentation of the bill and knowing her feelings about many of these issues; Senator Ogilvie; and all of the members on both sides who have contributed to this process over the last two and a half years.

This is a good moment. It's a good start. Bill C-17 is a good start at changing what I believe is a dysfunctional system. It has rightly exposed some of the biggest flaws in the development, regulation and safety of prescription drugs in Canada. It has also highlighted Health Canada's lack of teeth when it comes to intervening on behalf of Canadians.

However, with that said, I do believe that the legislation could use some improvement.

As recommended in our second report from the committee, which was entitled *Prescription Pharmaceuticals in Canada: Post-Approval Monitoring of Safety and Effectiveness*, Bill C-17 empowers the health minister to issue a drug recall if he or she "believes that it presents a serious or imminent risk."

Honourable colleagues, this is long overdue. Currently the health minister can only suspend a manufacturer's licence to sell a drug, but he or she cannot require the drug to be removed from the market. Instead, they can merely negotiate drug recalls with

the drug's manufacturer. This is a fundamental flaw in current legislation. Negotiations cause delay and consequently expose patients to potential harms that could have been avoided if this was in effect.

However, stakeholders have raised the concern that if the minister were to pull a drug from the market, recall it, then the drug manufacturer may attempt to sue the government for loss of sales. This should be addressed. If it's not, it may cause the minister to be reluctant to use these new powers. It may influence his or her interpretation of what a "potential harm" or "serious or imminent risk" to health would be.

An exemption from liability for lost sales or other injury to the manufacturer could be added to the bill. It's done in other cases. This would ensure that Health Canada can effectively use these new powers when they have grounds to believe that the drug poses a safety threat.

Bill C-17 will also give powers to Health Canada to compel the manufacturer to change their labels to accurately reflect the true risk of their products or to comply with any new conditions that are imposed. Again, I'm pleased to say that this is one of the recommendations that we put forward in not one, but two of our committee's prescription pharmaceutical reports.

These labels will now have to be written in easy-to-read English or French, and rare but dangerous possible side effects will be listed at the very front where patients can easily see them. This will increase patients' knowledge of the side effects and help them make a more informed decision about whether to take a drug or not.

Also as recommended in our report, this bill enables Health Canada to force drug manufacturers to provide any information or test results they have about their drugs. For the first time, the minister will have the authority to order assessments of a drug. This includes conducting tests and studies, and then reporting them to Health Canada. Based on the results, manufacturers will be required to change their drug labels to better reflect any newly identified risks.

The minister has always had to overcome the companies' reluctance to give out that information. Now they can be compelled to provide it if it's in the public interest to do so. This is crucial, because manufacturers have the most in-depth information about the safety and effectiveness of the drugs they sell.

Another issue our committee heard about and addressed in our reports was the lack of reporting of adverse drug reactions. It is estimated that only about 10 per cent of adverse drug reactions are actually reported at all. Bill C-17 would now require

prescribed health care institutions to report and disclose at-risk drug reactions. This would hold drug manufacturers, sellers and health care providers more accountable for any under-reporting of serious risks or adverse reactions.

However, some stakeholders are concerned about exactly what constitutes a “prescribed health care institution.” Is this only a hospital, or does that also perhaps include clinics, or maybe doctors, physicians? This should be further defined in the bill.

Finally, Bill C-17 creates much stronger penalties for failure to comply with some of the provisions of the Food and Drugs Act. These include fines of up to \$5 million each day a violation is continued and/or the possibility of imprisonment for up to two years for the worst offences. This is a dramatic increase from the former \$5,000, mere pennies to a large drug corporation.

However, we have heard concerns from some that these penalties may still not be good enough. Dr. Amir Attaran, Canadian Research Chair, warned:

. . . our penalties for drug crime are far too low, for drug falsification, adulteration, and so forth. I said at that time the maximum imprisonment is three years. Vanessa’s Law cuts it to two. It’s reducing the imprisonment penalty; the fine goes up substantially. Why we would choose, as a legislative act, to go softer on drug criminals is beyond me.

• (1420)

Honourable senators, I believe additional changes are needed if we want to properly address patient safety. Bill C-17 is a good start, as I said, but it can do more. Our committee heard over and over that the lack of transparency, both within the clinical trials process and within the Health Canada system, was a serious problem. Even after amendments to this bill were made by the Standing Committee on Health in the House of Commons, transparency remains inadequate.

The bill is filled with vague phrases, such as “The Minister may disclose” It has been said that amendments already made to the bill will require the disclosure of clinical trial information on a public registry. However, that is not a certainty. As it stands, the minister still retains the power to admit certain types or classes of clinical trials. The current bill could potentially result in mandatory registration of trial results if future regulations dictate it. That’s a big “if.”

Clinical trial data should be treated as public information. Janet Currie, from the Psychiatric Medication Awareness Group, bluntly stated to our committee that she cannot understand how “. . . researchers and the public can evaluate the safety and effectiveness of a drug without having full access to clinical trial data, to the history of clinical trials, to the outcomes of clinical

trials.” My colleagues and I heard that Canada should follow in the footsteps of the United States and the European Union by establishing a requirement to register and release all clinical trial reports and their results, both positive and negative.

The Federal Drug Administration in the United States actually inspects trials set up by Canadian doctors, using Canadian test subjects, to determine if a drug is safe in the United States market. They have made public their inspection results — the FDA makes results much more public than Health Canada does — which show serious systemic problems in our clinical trial system. They found problems in more than 60 per cent of the 192 clinical trial sites that they visited. This is why we should consider making the registration and release of all clinical trial reports and the results a requirement by law. We suggested this in the committee’s report on clinical trials, and it continues not to be implemented.

Ironically, a clinical trials database was created in Canada last year, but it identifies only the trials that are happening. Little data or other information is provided. As well, there’s no requirement to compel the manufacturers to do so.

No one is saying that the public registration of clinical trials is the only solution needed to correct all drug-related problems. However, requiring registration by law and giving Health Canada the tools necessary to enforce that law is an important step towards improving the transparency of that system. With this new database, the infrastructure is already in place to be able to do this. Why hasn’t it been done? Why isn’t it in the bill?

Honourable senators, another persistent theme raised by witnesses through all four phases of our prescription pharmaceutical review was the lack of transparency by Health Canada in other areas of its jurisdiction. Health Canada publishes only a limited amount of information on very few matters. It is difficult to access and to understand much of what they put online. We’ve also heard that the amendments already made to the bill will require that both positive and negative decisions be disclosed and explained on a public website, but that is not how I see it because the amendments do not include refusals or denials by the minister. We need to consider beefing up Bill C-17 to require Health Canada to publish both positive and negative regulatory decisions. They should be required to publish the reasons for approving a drug sale or refusing for other reasons of safety and efficacy, or for suspending or recalling a drug.

Health Canada doesn’t reveal their reasoning when they leave a drug on the market following a safety review. The most high-profile example of this is with the controversial acne medication, Diane-35. Health Canada was forced to conduct a review of the drug after the sudden death of a Calgary teenager, Marit McKenzie, earlier this year. The drug has now been linked to 13 deaths of Canadian women. Health Canada concluded that the drug’s benefits outweighed the risks and so allowed the drug to remain on the market; however, they provided no detailed information on effectiveness or safety that would help prescribers or patients to make a decision about whether to use this medicine or not. That’s totally inadequate.

The Auditor General's report in 2011 on the question of Health Canada's lack of transparency noted that the department needed to improve transparency of approvals with conditions, rejections and withdrawals of drug submissions. Bill C-51, which I mentioned previously, included a provision requiring Health Canada to disclose this information, but we should also consider adding it to Bill C-17 as well. The minister said:

Greater access to easy to understand and credible information about the potential risks and appropriate use of health products is one of the most valuable safety tools we can provide Canadians and healthcare professionals.

Bill C-17 should be amended to do just what she says. Bill C-17 proposes to make many changes that will increase the responsibilities and powers of the minister and her department. However, does Health Canada, with its current funding, have the capacity to enforce these new measures? These new measures will take considerable financial and human resources to monitor, communicate and enforce, yet there is no mention of how they will deal with these new responsibilities. They are already working on a shoestring budget. The 2012 federal budget cut 275 positions from the Health Products Division of Health Canada, which is responsible for monitoring drug safety.

The 2011 Auditor General's report also found that Health Canada had not met its inspection target of 2 per cent of all clinical trial sites, which doesn't seem like an unreasonable number, as it had inspected only 1.3 per cent of them; and that was at a time when they had more funding. They also found that when inspections turned up non-compliance issues, it took Health Canada between 56 and 142 days to notify the parties of the problems. A lot of damage can happen in that period of time in terms of public safety.

The Auditor General further noted that it took Health Canada an unsatisfactory length of time to review proposed corrective measures in response to non-compliance issues, frequently agreeing but taking a long time, if ever, to implement. This is frightening because when Health Canada does not do its job and inspect these trials, we end up with some patients experiencing serious side effects that never get reported.

During the Social Affairs Committee's review of post-approval monitoring of drugs, we heard from several witnesses that there is a lack of resources dedicated to post-approval monitoring. Our report highlights our concern that Health Canada had not demonstrated a capacity to do its job effectively.

Further, despite an abundance of evidence, Health Canada has never prosecuted any illegal online pharmacies who sell falsified, dangerous, counterfeit drugs abroad. I've looked at some of the websites and they're there. However, several Canadians have been successfully prosecuted in the United States for operating such websites and selling counterfeit products.

[Senator Eggleton]

Then there's the issue of substandard prescription drugs. Dr. Amir Attaran, holder of the Canada Research Chair in Law, Population Health and Global Development Policy at the University of Ottawa, told our committee that it's estimated that Canada imports up to 80 per cent of our medicines and/or medical ingredients. He also told us that many of these drugs or ingredients come from developing countries such as China and India, whose drug regulatory frameworks do not have the same high standards as our own. Despite this, we learned that Health Canada has a poor record of inspecting these foreign sites, conducting only three inspections in 2011 and 14 in 2014; and the United States conducts hundreds yearly. We have very limited knowledge that these sites comply with good manufacturing practices.

The committee was told that in several instances, drug manufacturing sites in countries — in particular they mentioned India — have been identified by drug regulators in other countries as being substandard.

• (1430)

Of particular concern to our committee was the issue of generic drug manufacturer Ranbaxy Laboratories Limited, which has a number of facilities in India. This company pleaded guilty in 2013 to U.S. federal criminal charges for selling adulterated drugs and for deliberately falsifying its records and fabricating data about the drugs it made at their plants in India. Both the European Union and the United States have banned several of their products. To date, there are still about 160 Ranbaxy medicines available in this country because Health Canada has not taken sufficient action to deal with this problem.

If Health Canada doesn't have the resources to fulfill their current mandate, how can they be expected to assume these additional responsibilities from Bill C-17?

Colleagues, Bill C-17, as I said earlier, is a respectable first step. It does move toward a better system of regulating drugs. It enhances the ability of Health Canada to act in the face of threats to public health. It introduces important enforcement measures, including substantial penalties for non-compliance. However, consideration should be given to amending it to incorporate additional components of prescription drug safety.

I look forward to the examination of Bill C-17 in committee.

The Hon. the Speaker: Are 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 bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Seidman, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

[*Translation*]

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Suzanne Fortin-Duplessis moved that Bill C-6, An Act to implement the Convention on Cluster Munitions, be read the second time.

She said: Honourable senators, I rise today to speak to Bill C-6, An Act to implement the Convention on Cluster Munitions.

The bill before us today allows us to ratify the Convention on Cluster Munitions and bring it into force in Canada. The ratification of this important humanitarian treaty will send a strong message signaling Canada's ongoing commitment to reducing the impact of armed conflict on civilians.

Just a small part of the convention requires the implementation of legislation and, in keeping with its commitment, the government is now undertaking this step in order to complete the process. We must remember that Bill S-10, now known as Bill C-6, was already debated in the House before Parliament was prorogued in September 2013.

The act to prohibit cluster munitions will fully implement the convention's legislative requirements. Its passage by Parliament is the last important step before Canada can ratify the convention and join the other States parties working to ratify it and implement it around the world.

Canada has long recognized that explosive remnants of war, such as those caused by cluster munitions, are a serious humanitarian concern. We are committed to ridding the world of cluster munitions.

These munitions pose a threat to civilians, not only during attacks but afterwards, especially when they fail to detonate as intended. They hinder access to essential infrastructure such as farm fields, vacant lots, and paths or roads into villages, churches, homes, and farms; they also impede development.

The devastation caused by cluster munitions has been well documented. According to some estimates, more than 25 countries are believed to be contaminated by cluster munitions remnants. They continue to kill and maim civilians, sometimes decades after conflicts have ended, and often as they are going about their daily activities.

In 2013, at least 1,000 people were killed or injured by cluster munitions in Syria, which is the highest number of victims reported since 2009.

Minister Baird said the following, in November 2013, when he appeared before the House of Commons' Standing Committee on Foreign Affairs and International Development, and I quote:

Words are not enough to describe the extent of human costs caused by cluster bombs.

The problem is that not all of these bombs explode, so they pose a permanent threat to civilians long after military operations have ceased. They are very difficult to locate and very dangerous to defuse. Bombs that explode later than intended claim a large number of victims. Many of those victims are children who mistake the small round bombs for balloons or toys. Anyone who meets a victim of these cluster munitions cannot remain unmoved by their plight.

Recognizing the harm caused to civilians by cluster munitions, the international community launched the Oslo Process in February 2007 to negotiate a treaty that would ban cluster munitions. Negotiations took place over several meetings throughout 2007 and 2008, and concluded with the adoption of the Convention on Cluster Munitions in Dublin in May 2008.

The Convention prohibits the use, development, production, acquisition, stockpiling, retention and transfer of cluster munitions. It also prohibits parties from assisting or inducing anyone to commit a prohibited act.

Today, 84 countries have ratified or acceded to the Convention and another 29 countries have signed it. Most of our NATO allies have signed or ratified the Convention, but some have not.

Even though the Convention on Cluster Munitions is still young, some progress has already been made. Countries that ratify the Convention are obliged to destroy their stockpiles of cluster munitions. Twenty-two States parties have already destroyed over 1 million cluster munitions and 140 million submunitions. This represents the destruction of 80 per cent of cluster munitions and 70 per cent of submunitions declared as stockpiled by the States Parties.

Under the Convention, States parties are also required to clear areas contaminated by cluster munitions as soon as possible but no later than ten years after the entry into force of the Convention for that State party. In 2014, more than 54,000 unexploded cluster bombs were destroyed during a clearance effort across 15 States and territories. Canada did its part. On June 19, 2014, Canada finished destroying its stockpile of cluster munitions and did so well in advance of the deadline set out in the Convention. This good news was announced at the fifth assembly of States parties to the Convention, held in San José, Costa Rica, from September 2 to 5, 2014.

• (1440)

Throughout negotiations of the Convention, Canada was a key participant. From the beginning, Canada's goal was to strike a balance between a commitment to the elimination of cluster munitions and effective, legitimate and important security considerations.

We worked with like-minded partners to put in place a provision allowing military cooperation and operations between States parties and non-states parties to the convention, while ensuring that the Canadian Armed Forces will never be expected to use cluster munitions.

Canada has never used cluster munitions in its military operations, nor will we ever use them. We are fully committed to ridding the world of cluster munitions. During negotiations, we committed to the eventual elimination of these weapons, but we also had to recognize the reality that not all countries were participating in the negotiations or were ready to commit to signing a convention.

A compromise was therefore needed to allow countries that wanted to renounce cluster munitions and ratify the convention to be able to continue engaging in military cooperation and operations with countries that are not able to adhere to the convention for the time being.

This compromise is found in Article 21 of the Convention. This article was critical to allowing Canada and its allies to sign the Convention on Cluster Munitions. Without it, Canada would not have been in a position to support the Convention. Indeed Article 21 enables more countries to join the treaty, thereby moving us all closer to the eventual elimination of cluster munitions.

In addition to its exclusions, the compromise of Article 21 establishes the positive obligation on States parties to advocate that states that are not party to it renounce the use of cluster munitions and join the Convention.

The Convention requires States that are party to the Convention to extend the prohibitions it imposes into domestic criminal law. Bill C-6, when enacted, will prohibit the use, development, making, acquisition, possession, movement, import, and export of cluster munitions.

The bill will also prohibit the "stockpiling" of cluster munitions in Canada through the broader proposed offence of possession. This offence covers any form of possession, including stockpiling, and can be easily enforced and, if necessary, prosecuted in Canada's criminal justice system.

The bill will also prohibit anyone from assisting or encouraging another person to engage in a prohibited activity. This captures a number of potential cross-border scenarios where people or organizations subject to Canadian law engage in activities that are prohibited by the Convention and also ensures that those who are subject to Canadian law can be prosecuted for the offences in Canada.

The proposed legislation also reflects the compromises that were made during the negotiation of the Convention in order to ensure that the legitimate defence and security interests of the countries that are party to the treaty are upheld. The proposed legislation will ensure that Canadians who are engaged in the military activities that are specifically permitted by the Convention will be protected from criminal liability for doing their jobs.

For Canada, military cooperation and operations with other states which currently do not intend to ratify the Convention, including our key ally the United States, are of central importance to our security and defence. It would not be responsible on our part to allow Canadian military personnel to be put into jeopardy of criminal prosecution for carrying out their duty when Canada decides to engage in military cooperation and operations with non-state parties.

The exceptions of clause 11 of the bill do not authorize any specific activity. They simply exclude these activities from the new criminal offences created by the law. If these exceptions are not included in the act, it could lead to criminal liability for a wide range of frequent military cooperation activities with our closest allies that are not party to the Convention and that do not plan on ratifying it in the near future.

It is also important to point out that these exceptions are permitted by the Convention itself and apply only to the specific prohibitions created in the proposed legislation. They do not detract in any way from other applicable legal obligations of members of the Canadian Armed Forces.

Canadian Armed Forces members will never be permitted to directly use cluster munitions at any time. A Canadian Armed Forces Order will be issued to ensure this. Furthermore, given concerns that were raised in relation to clause 11, the government agreed to an amendment during committee stage in the other place, which is reflected in this bill as adopted by the House.

This amendment will ensure what the government had intended all along, and which the Canadian Armed Forces order will reinforce — that members of the Canadian Armed Forces may never directly use cluster munitions at any time, even when they are on exchange with a non-state party's military unit.

I should point out that some of the specific details in Bill S-10 may be different from the terms of the Convention because of the need to turn some multilateral treaty language into Canadian legal terms.

This has to be done to meet the standards of the Canadian Charter of Rights and Freedoms as well as other Canadian legislative standards for clarity and certainty in Canadian courts. That's why it wasn't advisable or necessary to adopt several of the amendments proposed by senators over the course of the debate on Bill S-10 held by the Standing Senate Committee on Foreign Affairs and International Trade.

For example, one proposed amendment was to make it an offence for a person to knowingly invest in a company that makes cluster munitions. That is already covered by the bill, since direct and intentional investments in a commercial organization that produces cluster munitions would fall under the prohibition against aiding and abetting. Those terms are clear in Canadian criminal law, and they cover all forms of investment that entail a sufficient proximity to the actual making of the munitions and the necessary criminal intent.

Under the existing bill, aiding, abetting or counselling from Canada would be a criminal offence, even if the activity took place in a country where it was legal.

Similarly, stockpiling cluster munitions is already fully covered in the bill and, therefore, the proposed amendment is not necessary.

The bill does not refer to “stockpiling” as such because that is not a term used in Canadian criminal law. That notion is included in the bill under the term “possession.” Cluster munitions can enter Canada under military cooperation, but they cannot be stored here, except for authorized purposes such as their destruction.

• (1450)

The Prohibiting Cluster Munitions Bill implements all of our legislative obligations while maintaining our ability to operate and cooperate with our closest allies that have not joined the Convention at this time. This legislation is solidly in step with Canada’s strong commitment to reducing the impact of armed conflict on innocent civilians, and it strikes an appropriate balance between humanitarian considerations and protecting our men and women in uniform.

Canada is already actively promoting the ratification and implementation of the Convention internationally, and it will continue to do so.

Since 2006, we have contributed more than \$215 million to mine action projects that are designed to mitigate the consequences of explosive remnants of war, which include cluster munitions.

To that end, the government has provided funding to assist landmine survivors in Colombia, including children and youth, with their recovery and reintegration into society.

This government has also provided funding to address explosive remnants of war in Laos, which has been more heavily affected by cluster munitions than any other country in the world. Also, in Lebanon, we have supported risk education and the clearance of cluster munitions.

Last November, the Minister of Foreign Affairs announced an envelope of an additional \$10 million over 18 months to further support activities to clear mines and cluster munitions, to help the victims of those weapons and to educate local populations so that they are more aware of the risk.

It is time for Canada to join the States parties and ratify this important Convention, so that we can fully continue to take part in eliminating cluster munitions around the world.

(On motion of Senator Hubley, debate adjourned.)

POPE JOHN PAUL II DAY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Suzanne Fortin-Duplessis proposes that Bill C-266, An Act to establish Pope John Paul II Day, be read the third time.

She said: Honourable senators, I am finalizing my notes on this important bill, and I am not ready to speak to it just yet. I would therefore ask that the debate be adjourned in my name and that my time remaining be postponed.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

[English]

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall, for the second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

Hon. Elizabeth (Beth) Marshall: Honourable senators, this motion stands in Senator Poirier’s name. I have spoken to her, and she has indicated that she no longer intends to speak to it. I would like to speak to it, so I wish to adjourn it in my name.

(On motion of Senator Marshall, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maltais, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I first need to clarify that I am not the sponsor of Bill C-377. I do hope to give this explanation very briefly, as well as to ask that it is with the understanding that Senator Dagenais is the sponsor. He would like to be able to present his speech. He's not ready to speak today. However —

Hon. Joan Fraser (Deputy Leader of the Opposition): He should be the one to say that.

Senator Martin: If that is all right, I defer to Senator Dagenais.

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, with your permission, I will be ready to make my speech next week. I had mentioned to the government leader that this week was too early for me.

(On motion of Senator Martin, debate adjourned.)

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE— MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. Pierre Claude Nolin: Honourable senators, first I want to thank the Honourable Senator Cowan. Yesterday I received a written answer from him to a question I asked him Tuesday afternoon. I would like to thank him for the rapidity and quality of that answer.

[Translation]

Honourable senators, in the time I have left, I would like to give my personal analysis of the impact of the amendment proposed by Senator Cowan.

First, I am pleased to see — and his written response confirms it — that he will accept this new procedure that would make it possible to fast track business other than government business from the Senate. I think we need to thank Senator Cowan for that.

What does that mean? First, it would allow the Senate to better carry out its legislative role.

• (1500)

How will this role be more effectively fulfilled? First, this would facilitate debate. The amendment to the rules provides for three hours of debate, which is no small feat. Senator White pointed it out when he moved his motion. Only one legislative motion, Bill C-377, which was debated in the previous session, lasted over three hours. None of the other measures that we have examined in this chamber have ever exceeded the three-hour limit. A second equally important consideration is that the measure will have to appear on the Order Paper for 15 days. This will also enable senators to see and examine the scope of the proposed measure.

Second, Senator White's motion, amended by Senator Cowan's amendment, would be conducive to a decision. In fact, a decision would be made as a result of this procedure. The Senate would have to vote for or against a proposed measure.

Third, more generally speaking, this new procedure would ensure that the Senate's legislative activities are better managed.

Fourth, this new procedure would help move forward Senate private members' business. In my view, this is just as important as the first three points.

Now, Senator Cowan's amendment has a downside, which is why I cannot support it.

His amendment proposes that we exclude Commons public bills from this procedure. I think, and this is just my humble opinion, that this is contrary to the Senate's role as one of Canada's foundational political institutions — and I have just quoted what the Supreme Court said in April. I think the proposed amendment is contrary to the intent of the Constitution Act, 1867, which was the creation of the Senate as a complementary legislative chamber of sober second thought. Creating an inappropriate separation of business other than government business seems contrary to the intent of the Fathers of Confederation.

In 1979, in its Upper House Reference, the Supreme Court — in fact, the Supreme Court used some of the same paragraphs again in April — said that in creating the Senate in the manner provided in the British North America Act, it is clear that the intention was to make the Senate a thoroughly independent body that could canvass dispassionately the measures of the House of Commons. Let me reread the last words of this statement made by the Supreme Court in 1979 and reiterated recently by the Supreme Court in 2014: "...canvass dispassionately the measures of the House of Commons."

To me it therefore seems inconsistent, inappropriate and unnecessary to create this segregation, which would go against what the Supreme Court has recognized as the role of the Senate, namely to canvass dispassionately the measures of the House of Commons. All the good accomplished by the new procedure would be for naught for the measures from the House of Commons, and to me that seems inconsistent with the interests of the Senate.

Honourable senators, I am therefore voting against Senator Cowan's proposed amendment and voting in favour of Senator White's motion. Thank you very much.

Hon. Joan Fraser (Deputy Leader of the Opposition): Would Senator Nolin accept a question?

Senator Nolin: Absolutely.

Senator Fraser: This is a bit awkward as my leader, Senator Cowan, had to step out for a few minutes to attend an important meeting, but I can assure you that I have had lengthy

discussions with him about this Rules Committee report. I was therefore surprised to hear you say that the letter he wrote you confirmed that he supported this proposed change to our Rules.

If I understand correctly — and I'm going to ask you to table the letter — the letter answers one of the two questions you asked yesterday. You asked two questions. The first was whether he would support the proposed change if we agreed to his amendment. The second was whether, under the amendment, the new procedure would exclude the bills from the House of Commons.

Why did you say that the letter Senator Cowan sent you answers the first question?

Senator Nolin: Honourable senators, with your permission, I would like to table the letter that Senator Cowan sent me.

Hon. Ghislain Maltais (Acting Speaker): Is it your pleasure, honourable senators, to agree to this request?

Some Hon. Senators: Yes.

Senator Nolin: To answer your question, Senator Fraser, I have a lot of respect for your analysis of what you thought my question was, but that was not my question. Maybe you should have reread it properly.

My question is this — I repeated it in French so that it would be perfectly clear: his amendment does not seek to replace Senator White's proposal. His amendment seeks to amend Senator White's proposal by excluding bills from the House of Commons from that proposal.

That leaves the door open to the amendment proposed by Senator White that deals with other business from the Senate. That was my question. Senator Cowan's response — the document I just tabled and that all honourable senators are welcome to read — leads me to believe that his amendment applies only to Commons public bills, not bills from the Senate. In other words, he agreed with my question and the answer was yes.

Senator Fraser: As I said, this is a difficult situation. I do not want to read out a letter that I did not write myself and that was not addressed to me, but I can tell you that I have seen it.

I repeat: you asked two questions yesterday. The first was whether Senator Cowan would accept the committee's report if his amendment were passed, and the second had to do with the implementation of that change, and whether bills coming from the House of Commons would be exempt.

I would therefore like to ask you to clarify — I did not understand your explanation — why you think that his response to your second question implies that he would agree to the proposed change to the rule. I did not get the impression that that was his intention.

• (1510)

Senator Nolin: If you will give me a few minutes, dear colleagues, my reply could be a bit long, but I will do my best. I have before me the text of the amendment.

Senator Cowan has moved that the report not be adopted, but that eight amendments be made. Each amendment would eliminate from the text of the main motion any reference to business of the House of Commons. My conclusion — and it was my conclusion and that is why I asked the question — is that if we support his amendment, he agrees to Senator White's motion provided that it does not include business of the House of Commons. That is why I will say it again: The answer to my question is yes.

I hope that you follow my logic. I have arrived at that conclusion from his text. Throughout the text, he asks us to eliminate any reference to business of the House of Commons. That means that all Senate business would be covered by the main motion submitted by Senator White.

Senator Fraser: Mr. Speaker, I understand Senator Nolin's answer. That is his opinion. I respect his opinion, which I do not share, because I respect Senator Nolin. I have nothing else to say.

Hon. Grant Mitchell: I would like to participate in this debate as it relates to Senate reform because this report contains a proposal that will truly result in a reform of Senate reform. It is surprising to me — and to several of my colleagues, I believe — to realize that this reform is not the type of reform that was planned and anticipated. In fact, this Senate reform will be the exact opposite of the intended reforms proposed in the past by this government, namely, to elect senators and limit their terms. These two reforms would, among other things, make the senators in this chamber more independent. The reform proposed in this report does exactly the opposite; it does not support the intent of the two major proposals for Senate reform put forward by the government and the Prime Minister.

[English]

My point is this: This is Senate reform; make no mistake about it. Finally, one might argue, we're getting some Senate reform. But it would be an argument that is a pyrrhic victory, if I could say that, because the reform of the Senate that is inherent in this motion — to limit debate, to allow greater opportunity for closure of debate in this chamber — is exactly in opposition to the motivation and the drive that was inherently behind the two major reforms proposed by the Prime Minister and the Conservative government nine years ago now. Those two reforms were to elect senators and to give them limited terms — one term.

Among many other things those two reforms would have done, but certainly a principal accomplishment of those reforms, would have been to give senators greater independence. What this

reform in this motion will do is extend the power, the influence and the direction of the executive branch of the House of Commons, the Prime Minister and his cabinet, over these proceedings. It will not enhance our independence as electing would have; it will limit our independence even further and extend the grasp of the government on what goes on in this Senate even more. I guarantee you that this will not be used to get through Bill C-279, rights for transgendered individuals. It won't be used to do that for a bill that is not supported by the government. It will be used to get through private members' bills that are supported by the government.

To exacerbate, I think, the implications of my point is the fact that this is going to be used on an increasing number of private members' bills that are being utilized by the government to advance their crime agenda, for example, rather than utilizing government bills to advance that agenda.

If they wanted to use closure on bills that advanced that crime agenda, for example, why don't they do government bills? That's a very relevant question, because they already have the ability to allocate time on government bills. They use private members' bills in that area because private members' bills are not subject to constitutional review by the Department of Justice. They think they can, through a back door, avoid that important step in the review process and justify legislation by default, because it hasn't been reviewed for its constitutional relevance, and not have to face the argument that would be given greater credibility if the Justice Department said that these are not constitutionally supportable. Then later on, inevitably — so one would wonder why we go through all this grief — these are going to be overturned because they are not constitutional.

In my mind, that exacerbates or explains why the government wants this change, so they can extend what they've already got on their own legislation when begging the very question of why would they need to do that if they could just simply use government legislation. But they can't because then it would have to go through a constitutional review. It would be very difficult and probably half of these bills would never make it as far as first reading in the House of Commons.

So if the government were really serious about extending the independence of the Senate and senators, as was implicit in their presentation of election and term limits, then there are all kinds of things they could do and we could do right now. For example, our colleagues on the government side could stop going to their government caucus. That wouldn't have been my first choice before it was presented to our caucus, but I am very happy with the fact that that decision was made. We are making real progress in the way that we function. We could go into that in some detail for you in another debate, and I hope I will debate some of Senator Nolin's resolutions.

We could elect the leadership on both sides of the house, and we have elected our leadership. Again, that gives senators more independence, more power, more impact.

I have huge respect for the Speaker and for his assistance, but we could elect the Speaker. That's almost de rigeur across the country, if it isn't everywhere. It probably is. It is on that side. We could easily elect the Speaker, and the Prime Minister could simply endorse that election. We could get into the constitutional argument of whether or not that's possible. I believe it is.

• (1520)

We could establish a more objective appointment process where it wouldn't be simply in the hands of the Prime Minister first, but it could go through, as is now the case with judges, a review process, which, once again, would enhance the independence of those senators who are ultimately appointed. We could improve the website so that people could actually seek out and find out what we're saying very readily and much more easily because they could, for example, search Hansard and actually see it. And we could enhance the independence of this institution by televising it — I knew you knew that was coming — because then we would get to speak directly to the people of Canada. They could see what we have to say, and we would have greater independence as a result. So, if the government were actually serious about the implication of electing senators, for example, that is, among other things, to extend and enhance the independence of senators, if they were truly serious about that nine long years ago, then they would not be bringing in this piece of legislation, which in fact reduces senatorial independence. They would be looking at the kinds of non-constitutional changes that I've just listed to find ways to reform the Senate in ways that would enhance the independence and the significance of the work that we're able to do in this Senate and enhance the impression to the public — the image of our independence — which is very, very important as well.

My next point is that, now that I've talked about TV, speaking of TV, it is very interesting to note that this subcommittee wasn't established to consider this kind of procedural rule. They've tried to make an argument that it was established to look at how we could facilitate the process in here to make it more interesting for the public when we do televise so that it would be less archaic, some would say, less anachronistic, some would say, more modern. Now, confronted with that, I'm looking at my friend Senator White. I just want to point out how he put it. Senator White explained that the parliamentary subcommittee was created to "... look into the Rules portion of cameras in the Senate to know how that would look."

So, clearly, this committee was designed to look at what should be done to facilitate cameras in the Senate, TV, video, podcasting.

Senator White explained that "... it may require changes to the Rules to have camera access in the Senate. Internal Economy is primarily looking at it from a financial perspective."

Very good observation, and people say that I'm partisan. Senator White said, "From our perspective, we want to make sure we are in the room and have skin in the game from a Rules perspective."

He goes on to say, "We will have a discussion around a subcommittee looking into time constraints regarding private members' bills to try to deal with those bills a little more quickly and strategically" and to do away with that tiresome process of saying "stand, stand, stand."

Two arguments about that. First of all, this will not reduce — well, maybe a slight, slight bit — the number of times that "stand" would be used because each time a bill would come under this rule, it could still be stood for 15 consecutive days — so you would hear "stand" every day on that — and after three hours of debate, however many days of debate that would take. It will not reduce "stand, stand, stand, stand." That's an argument of convenience to try to make the shift from the real mandate of this committee — broadcasting and facilitating TV — to what it has become, which is an extension of the power of the executive branch into the Senate, furthering its reach, as I said.

If you wanted to do away with "stand" — and we should do that even if we're not televising, I would argue — it's easy to do. For example, one method would be simply to have the scroll established so that the first things that come up every day in their order would be only those things for which somebody has already given notice they want to speak. So bill number one comes up, and Senator Nolin has given notice he wants to speak to it. He is the only one who has, and he gets up and speaks. Now, it's on the floor. Anyone else could get up and speak to that before we move on to the next item for which there is notification. It wouldn't be limiting debate if I hadn't thought to give notice. I could speak because Senator Nolin has already given notice and opened the debate. We'd go through each of those items, and then we'd come to the end of that given notice section, if I can put it that way. Then, the Speaker could revert to the Order Paper and say, "If there's any other item that we've skipped that somebody would now like to speak to, please rise, and I will acknowledge them." If nobody stands, then the session is over, and we adjourn for the day. If somebody stands — stands as in physically stands, doesn't yell "Stand" — they could be recognized and speak to that piece of legislation or motion or inquiry. Once one person had done that, somebody else could speak to it, and then we would move to the next one. We could even facilitate this rather informal process for the second part of the Order Paper as it were, as is being defined by me now, by having the Clerk available to start a list during the session prior to that second half, so that, if I thought, "Oh, my gosh, I want to speak about motion 167," I could just, having not given notice early enough in the day, before the session started for the scroll, walk over to the Clerk and ask for that.

If you want to do away with "stand" — and I agree that we should — we could do that right now. We could do it in 15 seconds and just change slightly how we do things. Easily done. There are probably others with many other ideas. The fact of the matter is that this will not reduce the "stand." It will not, in fact, help in that way.

However, if it is that the government and Senator White and Senator Nolin feel that this really will help in the process of broadcasting — because, clearly, it's come from a committee with that mandate — then what I believe we should do is not

implement this rule until we have full audiovisual broadcasting in the Senate Chamber. Wouldn't that make sense? Why bother with this rule if it's here for broadcasting only and we're not broadcasting?

So the logical extension of that conclusion is my subamendment, and I'm going to move it.

MOTION IN AMENDMENT

Hon. Grant Mitchell: Therefore, honourable senators, in amendment, I move:

That the amendment be not now adopted but that it be amended by adding immediately after paragraph 8 the following:

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

Doesn't that make logical sense? Thank you for listening.

The Hon. the Acting Speaker: Any debate?

Hon. Joan Fraser: I propose adjourning the debate.

(On motion of Senator Fraser, debate adjourned.)

• (1530)

CONFLICT OF INTEREST FOR SENATORS

SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Conflict of Interest for Senators (Obligations of the Honourable Senator Boisvenu under the *Conflict of Interest Code for Senators*), deposited with the Clerk of the Senate on August 25, 2014 and deemed presented in the Senate on September 16, 2014.

Hon. A. Raynell Andreychuk moved the adoption of the report.

She said: Honourable senators, this report follows the inquiry report received from the Senate Ethics Officer on June 25, 2014, related to allegations concerning Senator Pierre-Hugues Boisvenu. The Senate Ethics Officer's inquiry report was pursuant to the *Conflict of Interest Code for Senators* as adopted by the Senate on May 1, 2012, the relevant code at the time of the lodging of the complaint.

The responsibilities of the committee upon receipt of an inquiry report from the Senate Ethics Officer are set out under section 46 of the 2012 code. These include the responsibility to consider the Senate Ethics Officer's report and to report to the Senate. The code affords the senator who is the subject of the inquiry the opportunity to be heard by the committee.

It allows the committee to conduct an investigation or to refer the matter back to the Senate Ethics Officer for further inquiry. Subsection 46(6) provides that the committee may recommend that a senator who is the subject of an investigation be ordered to take specific action or be sanctioned. The final decision on any actions or sanctions remains with the Senate when it disposes of the committee's report.

This sixth report of the Standing Senate Committee on Conflict of Interest for Senators reflects the committee's responsibility to uphold a foundational principle of the *Conflict of Interest Code for Senators*. This is articulated in section 1 of the relevant code, which states:

The purposes of this Code are to

(a) maintain and enhance public confidence and trust in the integrity of Senators and the Senate;

The Senate Ethics Officer, as a result of her mandate and inquiry, concluded that Senator Boisvenu had breached his obligations under sections 8 and 9 of the *Conflict of Interest Code for Senators*. I will not detail the Senate Ethics Officer's findings, as that report is before you.

The Senate Ethics Officer did not recommend sanctions for these breaches due to certain mitigating circumstances. Her report concluded that Senator Boisvenu's contravention of the two sections of the code occurred through an error of judgment but made in good faith.

Pursuant to subsection 46(1) of the relevant code, the Standing Senate Committee on Conflict of Interest for Senators proceeded to consider the SEO's inquiry report on July 28 and 29, 2014.

On July 28, Senator Boisvenu appeared before the committee pursuant to subsection 46(2) of the code. The committee's report notes that "Senator Boisvenu was forthright during his appearance and answered all questions put to him."

Following his appearance, Senator Boisvenu sent a letter to the committee to share his thoughts on the process and to provide additional information.

The committee's report notes that:

During his appearance before the Committee, Senator Boisvenu explained that when he arrived at the Senate he had, at best, a very superficial knowledge of the rules with respect to his responsibilities as a manager. He had the perception that the nature of a political institution meant that different standards applied as opposed to what is applicable in a public sector organization.

Senator Boisvenu indicated that in the spring of 2012, he took it upon himself to consult the then-Senate Ethics Officer, Mr. Fournier. Senator Boisvenu informed the committee that he was aware and ready to resolve the matter in the summer of 2012. However, Senator Boisvenu told the committee that “he found it difficult to take the appropriate action necessary to see it through.” As a result, the employment relationship was not terminated until March 2013.

The committee’s report notes that “Senator Boisvenu recognized that he should have acted more promptly, and he took full responsibility for this error.”

The report further notes that “Senators are expected to fulfill their public duties while upholding the highest standards, so as to avoid conflicts of interests and to maintain and enhance public confidence and trust in the integrity of each Senator and in the Senate.” This is found in the code at section 2(1)(b).

I further quote from the committee’s report:

Senators are responsible not only for their own reputations, but for the reputation of the Senate as an institution. Accordingly, any behaviour that is short of the highest standard of conduct must be addressed.

The committee carefully reviewed the Senate Ethics Officer’s report and heard from Senator Boisvenu. In this case, the committee’s decision was not to proceed with its own investigation, as permitted under subsection 46(3) of the relevant code, as no major questions of fact remained unsettled before the committee.

The committee accepted the Senate Ethics Officer’s finding that Senator Boisvenu breached his obligations under sections 8 and 9 of the code and that there were mitigating circumstances. However, the committee was left with the issue of the two renewals of the employment contract in 2011 and 2012.

The committee report notes:

As no mitigating circumstances were identified in relation to his breaches of the Code for the employment contract renewals, it is the Committee’s view that the absence of actions to resolve or prevent a real or apparent conflict of interest from arising due to the changing nature of the relationship with his former employee must result in appropriate remedial measures.

In its report, the committee therefore recommends that Senator Boisvenu apologize to the Senate. The committee also recommends that Senator Boisvenu attend a course to ensure a proper understanding of the fundamentals of responsible management of employer-employee relations in a public institution.

The committee’s report notes that its role in the inquiry process was recently modified in April 2014. It goes on to state:

Further, the Senate recently reaffirmed and strengthened its commitment to the highest standards of conduct when it amended the Code on June 16, 2014, amongst other things, to require senators to adhere to high standards of personal and professional conduct in the discharge of their duties, going beyond a strict conflict of interest regime. The effect of that amendment was to specify that senators are expected to perform their parliamentary duties with dignity, integrity and honour. In this manner, it articulates clearly a senator’s obligation to refrain from acting in a manner that could reflect adversely on the position of the senator or on the Senate as an institution.

The committee’s report goes on to state:

Your Committee is of the strong view that the Code must continue to evolve to meet the changing needs of the Senate and senators, as well as the expectations of the public we are entrusted to serve. Accordingly, we will continue our commitment to monitoring its effectiveness and to proposing changes to the Code when a need to do has been identified. By ensuring that the Code is current and effective, amidst changing social norms and expectations, we can help maintain the Senate’s ability to discharge its constitutional functions.

We hope that these clarifications in the new code assist senators to avoid circumstances such as those considered in our sixth report. In all circumstances, senators are expected to perform their parliamentary duties with dignity, integrity and honour.

I believe that this report exercises that expectation within the parameters of the applicable rules.

• (1540)

[*Translation*]

Hon. Serge Joyal: Honourable senators, the Honourable Senator Andreychuk provided a good summary of the sixth report of the Committee on Conflict of Interest for Senators after the Senate Ethics Officer’s special report was tabled on June 25.

I’m just going to make a few observations that I would like honourable senators to consider in their study of the sixth report, since this is the first report of its kind that the committee received for study and recommendation, after certain provisions of the code were enforced in relation to an alleged failure to meet some of the obligations set out in that code.

The first observation that I would like to make concerns the independence of the conflict of interest committee in carrying out its duties.

The Committee on the Conflict of Interest for Senators is a stand-alone committee in relation to the other 18 standing and joint committees that have been mandated by the chamber to debate and study bills and public policy issues.

The way the conflict of interest committee is set up is unique. The committee is made up of five members. Two are chosen by secret ballot by the government caucus in the Senate. Two others are chosen by secret ballot by members of the opposition caucus. Senators from each caucus are individually called upon to choose their representatives on this committee. The four senators who are chosen in this process then elect, by secret ballot, the fifth member of the committee from among all the senators who put their name forward, whether they be Conservative, Liberal or independent.

As a result, senators themselves are directly responsible for the make-up of the conflict of interest committee and for good reason: the Committee on the Conflict of Interest for Senators is responsible for exercising one of the privileges of this chamber, namely, to discipline members, a duty that inherently belongs to each senator, not just to the leaders of the respective parties or political groups represented in the Senate.

The committee is entirely independent. That is its most important characteristic. It answers basically to all of the senators in this chamber, and to no other authority. In other words, and you will understand the point I want to make, the Committee on Conflict of Interest for Senators operates independently of political leadership.

That is the first condition that must be satisfied for a proper disciplinary process, one that is inspired by the principles of natural justice — that is, it must be a fully independent tribunal.

The second observation I wanted to make to my honourable colleagues has to do with the procedure the committee must follow when it receives a report from the Senate Ethics Officer regarding the conduct of a senator.

This is very important, because the disciplinary procedure must guarantee that the process is transparent and fair. That is also one of the fundamental principles of justice. In other words, on the one hand, senators must know what to expect when the committee is asked to rule on whether a senator has violated the code, and on the other hand, they must be certain that the rights of the senator in question are clearly identified and protected and that that senator has the right to full answer and defence.

The *Conflict of Interest Code* explicitly sets out the procedure the committee must rigorously follow when dealing with investigation reports from the Senate Ethics Officer.

In the matter in question, the committee members were very careful to follow the procedures set out in sections 45 and 46 of that code to the letter. First of all, the Senate Ethics Officer's report was deposited by the committee chair, the Honourable Senator Andreychuk, with the office of the Clerk of the Senate on June 25, the same day that it was received, and the document was therefore made public immediately.

Second, the committee met quickly the following month in Ottawa, on July 28 and July 29, 2014, and it deposited its final report with the clerk on August 25. The committee was very diligent.

Third, the senator in question was invited to share his perspective with the members of the committee in camera, unimpeded and with all the time he required for his testimony.

Fourth, all committee members were able to ask all their questions to the senator in question, and he was forthright and spoke freely in his replies, as pointed out in the sixth report.

Fifth, the senator then felt it was advisable to make other representations in writing, which the committee took into account.

Sixth, the committee then deliberated based on the facts in the SEO's report and considered all of the additional information that the senator in question provided to the members of the committee.

Seventh, in its sixth report, the committee concluded — unanimously, I should point out — that, pursuant to the mandate set out in the code, it was appropriate to recommend sanctions in light of the obligations of each senator, as set out in the code, the conclusions in the SEO's report, and the additional information obtained from the senator in question.

Eighth, in determining the sanctions, the members of the committee considered all of the facts set out in the SEO's report, and in particular the circumstances surrounding the events, as described by the senator in question. Furthermore, the members of the committee had to consider each senator's responsibility to maintain public confidence in the integrity of the institution. Lastly, they were concerned that the determination of a sanction would also be useful for other senators in defining their own conduct.

It was very important to every member of the Committee on Conflict of Interest to rigorously follow the procedure set out in the code, which guarantees a senator's right to be treated transparently and fairly, so that all senators would have confidence that the code is being applied in a balanced and fair manner. The committee sought to discharge its responsibility with a deep concern for fairness. This concern was especially on the mind of every committee member because it was the first time the committee had been asked to take on the important responsibility of exercising the privilege of discipline that the chamber conferred upon it on its behalf under the provisions of the code governing the study of SEO special investigation reports.

The committee members were all aware that when asked to take on this kind of responsibility, they must draw on the principles of natural justice, as set out in our laws and our parliamentary tradition.

I can assure honourable senators that the committee members took on the responsibility conferred on them with the greatest concern for integrity and the utmost respect for the institution of the Senate and every one of its members.

I therefore recommend that honourable senators approve the sixth report of the Committee on Conflict of Interest for Senators.

Hon. Pierre-Hugues Boisvenu: Honourable senators, I have read the sixth report of the Committee on Conflict of Interest for Senators, and, as set out in the rules, I do not wish to exercise my right of final reply.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1550)

[*English*]

SENATE REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know the hour advances but I do want to say a few words about this inquiry, and I want to thank Senator Mercer for raising it. I listened with great interest to both his and Senator Andreychuk's remarks, and I reread them again today with equal interest.

I think Senator Mercer made an extremely useful suggestion when he said that we should acquire the habit of meeting among senators from a given region of the Senate: my region would be Quebec, my leader's region would be the Atlantic provinces, and so on.

Senator Mercer called these meetings caucuses, and I would suggest that we should probably avoid the word "caucus" because it leads directly to confusion with the other caucuses to which we belong, which are our partisan caucuses. However, regional groups of senators do have a great deal in common, and they have affinities that go beyond partisan matters.

I look across the aisle and I see senators from Quebec, some of whom I know better than others, but with all of them, when they speak in a fundamental way, I get it because we have at least some commonality of experience, life and background. I think that's a good thing. I think it is an excellent thing and should be encouraged.

Senator Andreychuk was concerned. Basically she was defending partisan allegiance in her remarks, and she was right to do so. Senator Mercer, above all, is not about to disavow partisan allegiance. I think nothing that he said suggested we should be disavowing our partisan allegiances. As Senator Andreychuk pointed out, this Parliament operates on the Westminster system, which is based upon partisan allegiances — a government, an opposition and everything that flows from that.

There is also our constitutional responsibility to represent our regions that goes beyond — cuts across, if you will — our partisan allegiances, loyalties and convictions. We may come out of our regional meetings with different conclusions about whatever the issue is that we're discussing, but we probably will also come out of such meetings having enriched our mutual understanding.

Above all, meetings like this tend to diminish the tendency in politics to demonize the opponents. It is a tendency in politics, greater at some periods than at others.

I have never forgotten some years ago, after the summer break, I bumped into a senator from the government side with whom I had worked and for whom I have great liking and affection. I'm a Quebecer; I naturally reached up to give him a two-cheek kiss, and a Conservative who was not a Quebecer who was standing watching this encounter looked horrified. He looked at me as if I were a carrier of the plague bacillus and at my Conservative friend as if he had willingly exposed himself to a carrier of the plague bacillus.

The senator who was so horrified was newer to our institution, and I suspect that over time perhaps he has lost some of that tendency to demonize. I hope so. Over time, the Senate does tend to diminish that political partisan tendency to demonize. We should do everything we can to encourage that and to find common ground where we can without in any way betraying our partisan allegiances.

I think back to some occasions over the years I have been here where senators from Quebec, from both sides of the aisle, organized social gatherings, purely social gatherings of Quebec senators, and they were great. They were really great. It was so good.

Senator Munson: They kiss a lot.

Senator Fraser: We're all Quebecers; we do kiss a lot. It was terrific just to be able to meet and, among other things, to include our independent colleague Senator Rivest, who is a wonderful person. I think we would all benefit from that.

I have more to say, but I know the hour advances and I suspect that your patience will be growing thin. So, with your indulgence, I do want to adjourn the debate. Before I do, I really want to thank Senator Mercer again for bringing this really constructive element of what we might think about as we go forward to our attention.

I move the adjournment for the balance of my time.

Senator Munson: Hear, hear.

(On motion of Senator Fraser, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 23, 2014, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, September 23, 2014, at 2 p.m.)

APPENDIX

ADDRESS

of

His Excellency Petro Poroshenko

President of Ukraine

to both Houses of Parliament

in the

House of Commons Chamber,

Ottawa

on Wednesday, September 17, 2014

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His Excellency Petro Poroshenko and Madam Maryna Poroshenko were welcomed by the Right Honourable Stephen Harper, Prime Minister of Canada, by the Honourable Noël Kinsella, Speaker of the Senate, and by the Honourable Andrew Scheer, Speaker of the House of Commons.

Hon. Andrew Scheer (Speaker of the House of Commons, CPC):
I would now like to invite the right honourable Prime Minister to take the floor.

[Translation]

Right Hon. Stephen Harper (Prime Minister, CPC):
Mr. Speaker of the Senate, Mr. Speaker of the House, honourable senators and members, distinguished guests, ladies and gentlemen.

[English]

It is our great pleasure to welcome to Canada, to welcome to our Parliament today, the President of the Ukraine and his wife, Petro and Maryna Poroshenko.

[Translation]

Thank you, Mr. President, for briefly leaving your country to participate in this joint sitting of our Parliament. We know that this is a crucial time for you and for Ukraine, and we greatly appreciate your presence here.

[English]

Mr. President, you will recall that in June I was in your parliament to witness you take the oath of office to “protect the sovereignty and independence of Ukraine”. I went to Kiev representing not only the Government of Canada, not only the 1.2 million Canadians of Ukrainian descent. I went to Kiev representing all Canadians from all regions, all walks of life, and all parties represented in this Parliament to demonstrate our unwavering support for your nation’s democratic future and for the independence of the Ukrainian people.

[Translation]

Mr. President, little time has passed since June, but in those four months, your country and our world have changed.

[English]

Mr. Putin’s soldiers and their proxies have expanded their penetration into Ukrainian territory. More members of Ukraine’s armed forces have been obliged to make the ultimate sacrifice. The world has witnessed the attack on flight MH17, a deplorable crime that took the lives of so many innocent people, including one Canadian.

Mr. President, what I told you in June has not changed.

[Translation]

Regardless of the challenges the future may hold, no matter what those who threaten the freedom of Ukraine do, Ukraine will never be alone because Ukraine can count on Canada.

[English]

This commitment is almost as old as our country. It began in the late 19th century with the arrival in our west of tens of thousands of Ukrainian settlers, fleeing tyranny and poverty there to help build a free and prosperous society here but never surrendering the dream that their homeland would one day also share that freedom and prosperity.

It was expressed in the 1960s by Prime Minister Diefenbaker in his demand that Khrushchev grant open elections to “freedom-loving Ukrainians”.

[Translation]

This friendship was evident once again at the end of the Cold War when Prime Minister Mulroney made Canada the first western country to recognize the newly independent Ukraine.

[English]

It was forcefully displayed again in this Parliament in 2008 when, led by our colleague James Bezan, we declared the Holodomor what it was: an act of genocide against the Ukrainian people.

Canadians have now served proudly as observers for seven successive Ukrainian elections and just last week I announced that when the Ukrainian people once again go to the polls exercising their hard-won democratic rights on October 26, Canadians will again be there in force.

[Translation]

We are working with our allies to help Ukraine in other ways.

[English]

We have, in large measure, terminated our engagement with Mr. Putin’s regime, suspending his Russia from the G7 and working to isolate it diplomatically.

We have enacted tough sanctions on business interests tied to Russia’s illegal occupation of Ukrainian territory. Just yesterday, Minister Baird announced additional measures.

[*Translation*]

We have delivered protective equipment and medical and logistical equipment to help the brave Ukrainian soldiers defend their country and their families.

[*English*]

We are providing significant financial assistance. Canada is also giving humanitarian aid to help Ukrainians affected by the conflict, including additional funds announced today.

We have also deployed the Canadian Armed Forces, as part of the reassurance mission, to our NATO allies in Eastern Europe, and we have been unequivocal. Mr. President, in our support for the peace plan that you have been pursuing for the Ukrainian people.

At the same time, let us be clear. Canada recognizes the sovereignty and territorial integrity of Ukraine, all of Ukraine. Whether it takes five months or 50 years to liberate it, we will never, ever recognize the illegal Russian occupation of any Ukrainian territory.

[*Translation*]

You yourself said that there can be no compromise. Canada will stand firm and will continue to condemn Mr. Putin's lack of respect for the law. Together with our allies, we will continue to stand up to Russian aggression.

[*English*]

Mr. President, in your inaugural address last June, you said, and I quote, "Nobody will turn Ukrainians into the slaves of criminals. . . or the servants of a colonial power. The world", you said, "supports us".

[*Translation*]

Mr. President, the free and democratic countries of the world support you.

[*English*]

We cannot let Mr. Putin's dark and dangerous actions stand, for they have global security implications, and because, as I have said before, for Canadians, with our deep connections to the Ukrainian people, this is not to us just a matter of international law or political principle; this is a matter of kinship, this is a matter of family, this is personal, and we will stand by you.

[*Translation*]

Mr. President, generations of Ukrainian patriots did not fight for freedom in vain.

[*English*]

The Ukrainian people have the right, like all free countries, to seek their own future, to seek a European future of hope, and to never return to the darkness of a Soviet past.

[*Translation*]

The Ukrainian people rightfully want what we in the west enjoy: freedom, democracy, justice and prosperity.

[*English*]

Mr. President, freedom, democracy, justice, prosperity—these are not mere words. They are the very foundation of our country, and they are the values that Canada champions around the world, not out of selfish ambition but because Canadians have always desired these things for all peoples.

[*Translation*]

When we help other peoples preserve their freedom, we are also protecting our own.

[*English*]

Let me close, Mr. President, by commending you for showing leadership and courage and careful judgment in the face of ruthless and relentless intimidation and for tirelessly pursuing peace, independence, and security for your people. Know that whatever lies ahead, Canada and Ukraine will continue to move forward together, confident that our shared dreams and aspirations are right, just, and good.

I told you you would feel at home here.

Mesdames et messieurs, ladies and gentlemen, please join me in welcoming a true friend of Canada, le président de l'Ukraine, the President of Ukraine, Petro Poroshenko.

H.E. Petro Poroshenko (President of Ukraine): It is very hard to give a speech in such an atmosphere, believe me. I have never felt anything like this.

Mr. Prime Minister, Speaker Kinsella, Speaker Scheer, honourable members of the Senate and the House of Commons, honourable members of the diplomatic community, distinguished guests, ladies and gentlemen, *dorohi druzi*. It is a deeply felt honour to address this distinguished legislative body.

I must thank you, Mr. Prime Minister, for inviting me to come to Canada, and Speaker Kinsella and Speaker Scheer, for giving me such an outstanding opportunity to address the Canadian Parliament. I see this as a tribute to my country and the Ukrainian people and an expression of the unique, distinctive partnership that both of our nations enjoy.

[*Translation*]

It is a great honour for me to address the Parliament of Canada.

[*English*]

Let me also, just once, use the third official language of Canada: Ukrainian.

[*The President spoke in Ukrainian, interpreted as follows:*]

Thank you for this great honour, dear friends, dear compatriots, and dear Ukrainian community.

[*English*]

To be frank with you, I feel very much at home with you here today in a country that is very close to Ukraine, not in distance but through our hearts and through common ideas.

Indeed, Canada has become home for so many Ukrainian descendants of early Ukrainian settlers who came here more than a century ago. In 1892, a century before Canada was the first to recognize Ukraine's independence, the first Ukrainian immigrants, Ivan Pylypiw and Vasyl Eleniak, arrived. They launched further Ukrainian immigration to the Pacific coast and across the woods and prairies of Canada.

The Ukrainian community has easily integrated into Canadian society. It built railways and towns, schools and churches, heroically fought against the Nazis during World War II, and contributed to the Canadian economy and culture. Later, the sons and daughters of farmers became prominent members of Canadian society: businessmen, artists, scientists, athletes, and politicians. One of them, Ramon Hnatyshyn, became a governor general of Canada. We always remember his name.

The list is long and impressive: the premiers of Saskatchewan and Manitoba, Roy Romanow and Gary Filmon; Senators Raynell Andreychuk and David Tkachuk; James Bezan; William Kurelek; hockey superstars, Terry Sawchuk and Wayne Gretzky; and also a female astronaut, Dr. Roberta Bondar.

We have high praise for the great Ukrainian Canadian sculptor Leo Mol, who crafted one of the best Taras Shevchenko monuments in the world, in Washington, D.C. We always remember that. If I continue with the list, we will run out of time in this session, believe me.

Today, the Ukrainian Canadian community has over a million people. It is strong, and now it has been demonstrated that it is consolidated. It has preserved the language of its homeland and its faith and traditions. Ukraine has always felt proud of Ukrainian Canadians and grateful for their lasting support.

[*The President spoke in Ukrainian, interpreted as follows:*]

On behalf of the Ukrainian people, I would like to thank you, dear brothers and sisters, for your help to Ukraine.

[*English*]

However, it is not only history that bonds us; it is also shared values that make Canada and Ukraine integral parts of a global family of democracies.

Today Ukraine pays a very high price for defending what we believe in: democracy and the freedom to choose our own future. For more than two decades we proudly stated that Ukraine

gained its independence without shedding a single drop of blood. Now that is no longer true. Now we are engaged in a true battle for our independence. Now we are paying the real price.

Today Ukraine is bleeding for its independence and territorial integrity. The Governor General of Canada, Ramon Hnatyshyn, in his speech at the Ukrainian Parliament in 1992, just one year after Ukrainian independence, stated that we must not forget the suffering that we are witnessing. That day he spoke to brave Ukrainian and Canadian soldiers who kept the peace across the world in zones of conflict and unrest. These words remain true now as never before.

Today thousands of brave Ukrainian men and women are sacrificing their lives for the right to live the way they choose, on their land, under the blue and gold colours of the Ukrainian flag, colours that are so dear to many Canadian Ukrainians. In these dark days, we feel your strong support. Thank you very much for that.

It is in our time of need that we see our friends, and there is no other way to put it: Canada is a friend indeed.

As a commander-in-chief, as a Ukrainian, and as a father of a soldier, I thank Canada for each life that is being saved today in the Ukrainian Donbass by the helmets and bulletproof vests you gave us.

Once again I thank you, Mr. Prime Minister, and your government and opposition. I thank the Canadian parliamentarians and senators, all Canadians, and fellow Ukrainians for standing tall and making your voices heard; for helping financially with technical assistance and non-lethal military aid; and for supporting us in international fora such as the UN, NATO and the G7. This is very valuable for us.

I would like to use this great opportunity to thank all Canadian parliamentarians for their continued support of Ukraine and especially for the emergency debate in the House of Commons during the critical period of the Maidan revolution of human dignity. We heard your voice, and this voice was very important for us. Our great achievement and our victory happened because of your support.

Thank you very much indeed for the work of the House of Commons foreign affairs committee on Ukraine and for the election observation mission, which helped to ensure that the will of the Ukrainian people was respected. You sent 500 observers, the biggest mission ever to come to a presidential election to confirm that it was true, free, and fair. It helped us to establish a new authority in Ukraine. Thank you.

We are waiting for your October 26 mission on the parliamentary election because we are determined to demonstrate that this election will also be free and fair.

Thank you for the many visits by parliamentarians and ministers, and for your visit, Mr. Prime Minister, at the inaugural ceremony. In the same way that Canada recognized our independence, you recognized the results of the presidential election. That was crucially important for us. In difficult times, you are always with us.

[H.E. Petro Poroshenko]

Also, I want to thank the Minister of Foreign Affairs, John Baird, for his support of Ukraine, especially during the Maidan.

I have a long list of thanks, believe me. With all my heart, thank you very much. We really feel the strong support of Canadians, not only in difficult times but also I am sure when we have peace and we stop the war through the integrated and coordinated efforts of all the nations of the world. Canada can help us to keep the world united and Canada can help us to demonstrate to the whole world its strong solidarity with Ukraine. Thank you very much, Canada.

Without this support provided by the Government of Canada, by all parliamentarians, and by the Ukrainian Canadian community under the leadership of the Ukrainian Canadian Congress, it would be much harder for Ukraine to face the challenges of today. No other leaders or nations, I mean no one, with the possible exception of Poland, was so straightforward and earnest in sending a signal across the world to the Russians and the rest of the world that fighting a nation that is trying to chart its own path is just conceptually wrong, as is arming rebels with advanced anti-aircraft missiles, providing them with operators, intelligence, and in-flight data.

Those who were equipped, trained and financed by Russia executed a terror attack by shooting down flight MH17, killing 298 innocent lives from the Netherlands, Malaysia, Australia, and many other nations, including Canadian citizen Andrei Anghel. I think that the war in eastern Ukraine is a war against terror, our common war. I have no doubt of that.

With your support and with the support of the global community, we will win this struggle and fulfill the dreams of many Ukrainians in our homeland and across the world. Ukraine will be strong and independent and, very important, a European nation.

Yesterday was one of the most important days in the history of Ukraine. The Verkhovna Rada ratified the European Union-Ukraine Association Agreement. Do you know what my feeling was yesterday when I was standing in front of the Ukrainian parliament presenting this association agreement, coordinated and synchronized with the European parliament? It was the last farewell from Ukraine to the Soviet Union. That was a Rubicon that Ukraine crossed and we never ever will turn back to our awful past.

I strongly believe that our values, our freedom, our democracy, our European future, including a membership perspective, are possible and reachable for the Ukrainian nation. Why? Because the Ukrainian nation has passed one of its most important tests during the last five months and maybe paid one of the highest prices for being European. That is why we are demanding reform, defending democracy, defending freedom, seeking a membership perspective in the European Union.

Implementation of the agreement will not only harmonize Ukraine's trade and customs rules with European Union standards but will help my country draw closer to democratic norms and a market-oriented economy.

At the Wales NATO summit, I declared my country's desire to move closer to NATO and to gain the status of a major non-NATO ally. I really count on your support on this.

All allies have strongly condemned Russia's aggression in Ukraine, the illegal annexation of Crimea, and stand ready to support territorial integrity and sovereignty in Ukraine within the internationally recognized borders, as the Canadian government, the Canadian Prime Minister, and the Canadian people are strongly doing.

I am thankful to Canada. Your country was one of the strongest supporters of Ukraine at the summit and committed to provide more than \$1 million to the NATO trust fund. It will help Ukraine build its command, control, communications, and computer capabilities.

Dear friends, let us look beyond the crisis and war. Let us think of how to enhance the special partnership between Ukraine and Canada. This is why I am here. I am convinced that we need to pay more attention to bilateral co-operation in such spheres as energy, trade, investment, information, air space, and many other technologies.

In co-operation with Canada, we hope to accomplish the ambitious project of consolidating Ukraine's informational space. By launching the telecommunications satellite built by a Canadian company, we will finally be able to provide all of our regions with reliable and trustworthy information and export telecommunications services. There should be more projects like this.

I hope that both negotiating teams have translated our firm signal, the Prime Minister's and mine, and the next time we see each other we will have a Ukraine-Canada free trade agreement to sign.

Having said that, I cannot help but mention one particular program that played a significant role in enhancing our people-to-people contact. I am talking about the Canada-Ukraine parliamentary program. During the years of independence, CUPP has hosted over a thousand students from Ukraine who were able to work as interns right here in the Canadian Parliament, helping us build Ukrainian democracy. Welcome back, dear colleagues.

I also want to thank the Canadian Parliament and the Ukrainian diaspora for helping us breed a new generation of democratic and free Ukrainian leaders.

Mr. Prime Minister, I remember you mentioned that Canada is probably the most Ukrainian nation outside of Ukraine itself. You know what? This is absolutely true. Let me reciprocate. There are great European nations that stood as the source of the foundation of modern Canada. Canada has friends all over the globe, and the closest one is next to it. However, I doubt that you will find another nation that would say so sincerely what I say to you: Ukraine is probably the most Canadian nation after Canada itself.

I felt exactly this feeling today during my meetings with many Canadians. Thank you for all of that.

Let me refer to the words of Winston Churchill, who truly loved your country and visited it seven times from 1900 to 1954. We recall him as a brave leader who confronted the Nazi aggression with courage. In the summer of 1929, he wrote this from Canada to his wife:

Darling I am greatly attracted to this country . . . I am profoundly touched; & I intend to devote my strength to interpreting Canada to our people . . .

I have the same feeling, believe me. Unfortunately, I will not write these words to my wife since she sits here with me today. I will simply tell her these words.

Please let me quote Churchill once again. He said:

I love coming to Canada . . . God bless your Country.

Thank you very much indeed. Merci. *Slava Ukraini.*

[Applause]

Hon. Noël A. Kinsella (Speaker of the Senate): Mr. Speaker, Your Excellency President Poroshenko,

[*The Speaker of the Senate speaks in Ukrainian*]

Prime Minister, honourable senators, members of the House of Commons, mesdames et messieurs, on behalf of all parliamentarians and all gathered here this afternoon I have the honour, Mr. President, to thank you for addressing this joint session of the Parliament of Canada. Your important words have been clear and stress that you are among friends.

We have taken note of the significant challenges currently facing the peoples of Ukraine. We thank you for the leadership and courage that you are bringing to securing peace, order and good government in your beautiful country.

[*Translation*]

Mr. President, Prime Minister, we have taken note of the significant challenges currently facing the people of Ukraine. Your Excellency, we thank you for the leadership and courage that you are bringing to securing peace, order and good government in your beautiful country.

[*English*]

Canadians appreciate your leadership and fortitude as Ukraine addresses current challenges. We support your efforts to realize a successful resolution based on the solid foundation of human rights and democratic values.

Colleagues, Mr. President, Prime Minister, among the many images that adorn the chamber of the Senate of Canada is one of St. Andrew the Apostle, who is of course the patron saint of

Ukraine. Indeed it was St. Andrew who prophesied in the year 55 A.D. that a great people would build a successful civilization along the banks of the River Dnipro. Notwithstanding the ebb and flow of the tides of history, the peoples of Ukraine continue to fulfill the prophecy of your patron saint.

Thank you, President Poroshenko, for sharing with us Your Excellency's view of the road ahead. Please be assured of the solidarity of the peoples of Canada on your journey forward.

To Your Excellency and to the peoples of Ukraine we wish you Godspeed. Thank you for your presence and address to the Parliament of Canada.

[*Translation*]

Hon. Andrew Scheer (Speaker of the House of Commons, CPC): President Poroshenko, Prime Minister, Mr. Speaker of the Senate, fellow parliamentarians, distinguished guests, ladies and gentlemen.

[*The Speaker of the House of Commons spoke in Ukrainian.*]

Mr. President, on behalf of all members, and indeed all of us assembled here in the House of Commons, I would like to welcome you and thank you for addressing us here today.

[*English*]

It is a rare and special occurrence when heads of state or foreign dignitaries address a joint session of our Parliament, and even rarer still to have a joint address during world events such as we are witnessing today. Your inspirational words are given even greater historical significance when we consider the current situation facing Ukraine.

As has already been mentioned, the links between our two great countries are well known, and they run deep. Ukrainians have made their mark in many areas across Canada. From vibrant communities in our large cities to enclaves across the Prairies, their contribution to Canada's social fabric has been profound.

[*Translation*]

The links that exist between the citizens of our two countries certainly help to draw us closer together. What has cemented the bonds of friendship however, particularly since 1991, has been our common, principled stances towards democracy, human rights, and the rule of law.

[*English*]

For those of us who were fortunate enough to be sitting as members of Parliament when His Excellency President Viktor Yushchenko addressed the chamber in May of 2008, we will recall that he observed that in the previous 90 years, Ukraine had declared its independence six times. He said that he did not want the range of historic tragedies to be repeated in today's history of Ukraine. What President Yushchenko then described, in what may have been more abstract or theoretical terms, has become all too real today.

[H.E. Petro Poroshenko]

Canadian parliamentarians have followed closely as recent events have unfolded in your country and have been inspired by the courage and perseverance that has been repeatedly demonstrated by Ukrainians in recent months. This Parliament has expressed its resolute support for Ukraine's sovereignty and territorial integrity and for the Ukrainian people and their determination to realize a free, democratic, peaceful, and prosperous future.

While there are no doubt many challenges and uncertainties for your country and its people, one thing that is certain, however, is that this Parliament, and Canadians across the country, are watching closely and stand united in support of Ukraine.

Thank you. Merci. *Slava Ukraini.*

[Applause]

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