



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, September 25, 2014

The Honourable PIERRE CLAUDE NOLIN  
*Speaker pro tempore*

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## THE SENATE

Thursday, September 25, 2014

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

Prayers.

[*Translation*]

### SENATORS' STATEMENTS

#### DANDELION RENEWABLES

**Hon. Grant Mitchell:** Honourable senators, I am rising today to talk about an inspiring environmental organization in Alberta. The founders of Dandelion Renewables realize that the change in mentality around energy consumption and environmental protection happens one person at a time, one family at a time, one business at a time.

With that in mind, Dandelion Renewables designs and installs sustainable energy systems tailored to its clients' needs: rooftop solar panels, wind energy, off-grid projects, electrical energy audits and consultation. Those are just some of the reasons this organization is a leader in community movements in support of clean energy and energy efficiency in Alberta.

Dandelion Renewables is committed to providing Albertans with alternative energy sources. Its success lies in the fact that it offers more than just green solutions. Its mission is to offer solutions that are efficient, use cutting-edge technologies and strategies and produce a 50 per cent return on investment in energy savings.

In addition to providing the public with information on fluctuating energy costs and new provincial policies, Dandelion Renewables shares information on other active organizations, including the Solar Energy Society of Alberta and Alberta's Solar PV Equipment Pilot Program.

It is very important to recognize organizations like Dandelion Renewables for what they are: environmental innovators that will be at the heart of the alternative energy industry of the future.

They are excellent drivers of economic diversification in Alberta, and their focus on environmental science and awareness should be applauded. Dandelion Renewables is yet another reason why I am proud to be an Albertan, and I am happy to highlight its success here today.

#### HIS HOLINESS POPE THEODORE II

##### COPTIC ORTHODOX CHURCH

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, today I rise to acknowledge the presence in Canada of His Holiness Theodore II, Pope of Alexandria, primate and Patriarch of the Coptic Orthodox Church since 2012.

[*English*]

It was an honour for me, as a Christian, to represent the Canadian government at an event in honour of His Holiness, held in Montreal on Monday, September 22. In addition, our Prime Minister and His Holiness had a very friendly chat just a few days ago.

[*Translation*]

An avowed friend of Canada, His Holiness has spent the past two weeks visiting Coptic communities across the country. These orthodox communities are well integrated into their new homeland. Most importantly, they share our cherished values of peace, justice, gender equality and social solidarity.

Over 50,000 Copts live in Canada, 15,000 of them in the greater Montreal region alone. I was privileged to meet privately with spiritual leader Theodore II when he was in Montreal on Monday, and I shared this message from our government with him:

One way that Canada has expressed its gratitude, Your Holiness, is by maintaining steadfast solidarity with you and the Christians of Egypt as you all go through a very difficult time. Your Holiness, we stand with you, and we would like to express our deep admiration for your strength, your courage, your wisdom and your tenacity in battling the forces of hatred, extremism and terrorism that are presently plaguing Egypt, while remaining a true symbol of peace and human dignity.

[*English*]

Honourable senators, I was also impressed by both the career path and the spiritual path that His Holiness has followed. He earned a degree in pharmacy from the University of Alexandria in 1975. He was a manager in the private sector for a few years. His Holiness subsequently entered a monastery and began his spiritual mission as a priest in 1989.

[*Translation*]

On May 10, 2013, accompanied by a delegation of Coptic bishops, he was received at the Vatican by Pope Francis, the first such visit in over 1,500 years. Above all, Pope Theodore II is an apostle of peace in a part of the world where peace is sorely needed and thousands of human atrocities have been committed, unfortunately all too often in the name of God.

Nearly 1,000 people attended the event in Montreal, where our government warmly recognized the presence of His Holiness on Canadian soil. All those who spoke expressed their profound sympathy to His Holiness because of the violence committed against the Christian communities in the Middle East. They assured him and all Coptic communities of their full support. I would like to remind honourable senators that after a government influenced by the Muslim Brotherhood came to power in Egypt, nearly 70 Coptic churches were burned or destroyed. Furthermore, thousands of people were forced to flee to other countries because believers were being summarily executed.

Honourable senators, at a time when the world needs messengers of peace such as Pope Theodore II, I would like to close by inviting you to pray for this holy man, in your own way and according to your own faith, so that his voice is heard and war is no longer an unfortunate daily reality for millions of men and women who are hoping for a better life.

[English]

### AGA KHAN MUSEUM

**Hon. Mobina S. B. Jaffer:** On Friday, September 12, His Highness Prince Karim Aga Khan opened the doors to the Aga Khan Museum, which is the first museum in North America that is dedicated exclusively to Islamic arts and cultures.

Along with the Ismaili Centre, the Aga Khan Museum is situated within a 6.8-hectare landscaped park, a new public space that has greatly enhanced Toronto's architectural and culturally diverse landscape.

• (1340)

The museum, which was designed by celebrated Japanese architect Fumihiko Maki, houses a permanent collection of over 1,000 objects, including rare masterpieces that reach back more than 10 centuries and span from China to Spain.

Honourable senators, the true appeal of the Aga Khan Museum lies not in the meditative gardens, glass domes or reflective pools that surround it. The true beauty lies in the concepts and ideologies the museum promotes, and in the message it sends to the world.

Although Muslims constitute over a quarter of the world's population, knowledge of Islam, particularly in Western societies, is extremely limited and often misinformed.

During the opening ceremonies, Prince Ayn Aga Khan, the brother of the Aga Khan, touched upon this lack of understanding and explained:

Despite the advances we have witnessed through improved technology and through globalization, a knowledge gap continues to exist and perhaps even grow, and the result of that gap is a vacuum within which myths and stereotypes can so easily fester, fed by the amplification of extreme minority voices.

[ Senator Boisvenu ]

... I believe strongly that art and culture can have a profound impact in healing misunderstanding and in fostering trust even across great divides. This is the extraordinary purpose, the special mandate, to which this Museum is dedicated.

The Aga Khan Museum seeks to inform, educate and inspire audiences about the arts, culture and contributions of Muslim societies. It fosters understanding and demonstrates the plurality within Muslim civilizations.

Honourable senators, September 12 was indeed a proud and joyous day for Ismaili Muslims across the country. We Canadian Ismailis will be eternally grateful that the Aga Khan chose Canada to build this museum.

However, it was also an important day for Canada as we have once again demonstrated to the world that diversity and pluralism are important parts of the Canadian identity.

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## ROUTINE PROCEEDINGS

### CRIMINAL CODE

#### BILL TO AMEND—FOURTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

Thursday, September 25, 2014

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

#### FOURTEENTH REPORT

Your committee, to which was referred Bill C-10, An Act to amend the Criminal Code (trafficking in contraband tobacco), has, in obedience to the order of reference of Wednesday, June 18, 2014, examined the said bill and now reports the same without amendment.

Respectfully submitted,

**BOB RUNCIMAN**  
*Chair*

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

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

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## QUESTION PERIOD

### JUSTICE

#### ACCESS TO JUSTICE

**Hon. Jane Cordy:** My question for the Leader of the Government in the Senate today comes from Samuel Michaels of Thornhill, Ontario. Mr. Michaels is the managing editor of the Osgoode Law School student paper. Mr. Michaels asks, and I will read his question as he sent it:

The Supreme Court has said that access to justice is, to paraphrase, more so about accessing the system than accessing a high quality service (*B.C. v. Christie*). What is the Government's position on access to justice rights for Canadians?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question. Canada's legal system is one of the most advanced systems in the world. Anyone who has a civil or administrative claim can freely seek a remedy, and such individuals can be assured that their claim will be heard by an impartial arbitrator or judge, depending on how their rights were affected, in accordance with the rule of law.

[English]

**Senator Cordy:** I will continue with Mr. Michaels' questions. He says, and again this is a direct quote from Mr. Michaels:

We hear so much about Canadians who are unable to afford a lawyer, but still above the legal aid eligibility cut-off.

He says, for example, that over 65 per cent of individuals in family court are self-represented. His source was *The Toronto Star*. Mr. Michaels continues:

What does the Government feel should be done for these individuals? What services should they have a right to? I am very passionate about access to justice, and hope the Government will adopt a position that encourages better services and representation for all Canadians.

[Translation]

**Senator Carignan:** Respect for provincial jurisdictions is an important principle to this government. Unfortunately, historically, that has not always been the case in our country. One of the clear principles of the current government is to respect the autonomy of the provinces in their jurisdictions. The question that you just raised clearly falls under provincial jurisdiction.

[English]

**Senator Cordy:** This is not Mr. Michaels' question anymore, just so there's no confusion.

One of the statistics I have been looking at since I got this question from Mr. Michaels is that nearly 12 million Canadians will experience at least one legal problem in a given three-year period. Few will have the resources to solve them. That's pretty astounding: Nearly 12 million Canadians, at least one legal problem in a three-year period, and few will have the resources to solve them.

We know, of course, that members of the poor and vulnerable groups are particularly prone to legal problems, and that's not a surprise to anybody in this chamber. Those of us who worked on the population health study in the Social Affairs Committee know that poverty increases vulnerabilities in a lot of other areas. We know that people's problems multiply; one legal problem leads to another legal problem and another legal problem. All of these things are true.

You quite rightly said that we should have respect for provincial jurisdictions. I wholeheartedly agree that we have to have respect for provincial jurisdictions. It's something like health care in this country. We've got the same thing with justice. We've got a federal justice minister and each of our provinces has a provincial justice minister.

But when I read the report that was chaired by Chief Justice Beverley McLachlin, called *Access to Civil & Family Justice: A Roadmap for Change*, I was struck by the common-sense attitude that this committee had. I will quote from the report.

• (1350)

She said:

That needs to come largely from the ground up, through strong mechanisms and institutions developed locally.

That's just what you said earlier, that provincial jurisdictions and those on the ground certainly are most aware of what's going on.

This is a direct quote from the executive summary of this report, chaired by Beverley McLachlin:

... the need for a coordinated and collaborative national voice — a change agent — providing a multiparty justice system vision and an overall goal-based roadmap for change. The ways of the past — often working in silos and reinventing wheels — are not sustainable. A coordinated, although not centralized, national reform effort is needed. Innovative thinking at all levels will be critical for success.

While I appreciate and agree with your comments about provincial jurisdiction, I agree with Chief Justice McLachlin and the members of her Action Committee on Access to Justice in Civil and Family Matters that there has to be a national voice. There are good things happening in pockets all around the country, but let's get together and have a national voice. I'm just wondering if this government would be indeed open to providing the catalyst and the leadership required.

[Translation]

**Senator Carignan:** Senator, I believe that the government has shown leadership and continues to do so. Perhaps you will recall that, especially with respect to transfers to the provinces to help them with legal aid, in 2007 we increased legal aid support for the provinces by 36 per cent, which is a significant increase. That is more than the Liberal government did in 13 years before that.

As I said, we will continue to work with the provincial governments and our territorial partners to provide the best possible access to justice for economically disadvantaged individuals. That is why we have federal transfers to the provinces. You will agree with us that federal transfers have reached record levels and will continue to increase.

I would just like to remind you that 2013-14 transfers totalled \$62 billion, an increase of 50 per cent or more than \$20 billion since 2006, the first year we were elected. That is what we are doing for the provinces. We are also continuing to give more money to taxpayers and increasing their income.

I imagine that you don't want to hear again about the government's record on social development and fighting poverty, because we have increased the amounts available. However, I believe that we have a set of measures that will foster better access to justice.

[English]

**Senator Cordy:** Thank you very much.

The people who can't afford a lawyer wouldn't say that there is greater access. We have a number of people in Canada who are poor, who don't qualify for legal aid but are still unable to afford a lawyer. Sixty-five per cent of people in family court represent themselves. Some of them may be by choice, but most of them are representing themselves because they cannot afford to hire a lawyer to work them through the system. They know that if they spend the money for the lawyer, there would be no money for food, clothing and housing for their children. They have to make a choice, and the choice they make is because of necessity that they will represent themselves. This leaves them with no legal counsel.

Sixty-five per cent of individuals in family court are self-represented. All I'm asking is that this government take a leadership role, following the guidelines set out in the report by the Chief Justice. There should be a federal leadership role working with the provinces and with the territories. As I said earlier, there are good things happening in each of the provinces and territories, but we need somebody to pull all of those good things, all of those best practices, together, so that people across the country can work together to make the system better.

I also agree with your comment: We are very lucky in Canada. We're very lucky to have Chief Justice Beverley McLachlin and we are very lucky to have the justice system that we have. All I'm asking is that the government look at the report, *Roadmap for Change*, and act as a catalyst.

[Translation]

**Senator Carignan:** Senator Cordy, as I said, we will continue working with our provincial and territorial partners to provide better access to justice, as we have always done, particularly for economically disadvantaged people. Of course, this issue is also something that comes under provincial jurisdiction.

Furthermore, from what I understand, given that I am still a member of the Barreau du Québec, the Government of Quebec is working on bringing in new measures as part of the Quebec Code of Civil Procedure in order to improve access to justice and reduce costs. Since my wife is a lawyer who specializes in family law, you will understand that I am very familiar with the problems facing people who represent themselves and I am aware of how complicated the situation can be, especially in family law.

That is one of the reasons why the Government of Quebec decided to update its Code of Civil Procedure. As you can see from my answer, which has been about a minute and a half long, this matter falls directly under provincial jurisdiction.

[English]

## FOREIGN AFFAIRS

### IRAQ—CANADIAN INVOLVEMENT IN INTERNATIONAL MILITARY MISSION

**Hon. Grant Mitchell:** Honourable senators, there's at least an interesting, if not unfortunate, irony in the Prime Minister's approach to the Iraq war today compared to his approach in 2003.

In 2003 when the Chrétien government made the decision not to go into Iraq, when there was very little support among Canadians to go into Iraq, Mr. Harper was very open about his opinion that Canada should go into Iraq and fight. In fact, he, along with Stockwell Day, wrote an open letter to Americans and the American media saying that Canada was making a mistake and that Canada should have entered the war. Of course, the decision not to enter that war has since been proven to be absolutely correct.

Today, on the other hand, when a case could be made for Canadian military involvement in Iraq, quite the contrary is the case. Mr. Harper seems not to want anybody to know what he's thinking, where we're going, what the commitment will be, what the dangers and risks will be and the magnitude of the involvement.

I wonder whether the leader could tell us why the government seems so intent on avoiding a public debate in Parliament and avoiding an open discussion process of information to Canadian people, who clearly have a profound interest in this issue and who will, at some level, doubt the government's judgment on Iraq owing to what it did last time.

[*Translation*]

**Hon. Claude Carignan (Leader of the Government):** Thank you, senator, for your question. When Senator Dallaire retired, I invited him to forward any questions he had to you. Perhaps this is one of Senator Dallaire's questions. This is the kind of question he usually asked me. This gives me the perfect opportunity to say hello to him, in passing.

The Government of Canada has often deployed the Canadian Armed Forces around the world in a non-combat role. Those kinds of deployments have never been put to a vote in Parliament. Just recently we sent *HMCS Toronto* to the Black Sea. As you know, our soldiers have taken part in exercises in Poland, and the Canadian Armed Forces have been involved in air policing missions as part of Operation Reassurance.

• (1400)

The opposition parties are free to use one of their opposition days in the house to debate any of these deployments and request a vote — something they haven't done. The opposition leaders and their critics were informed of the decision regarding the deployment to Iraq. An emergency debate was also held at the beginning of the month. This debate was requested by Mr. Trudeau and your Liberal cousins on the other side. However, he didn't even show up for the emergency debate.

At the government's request, a special committee also met so that the Minister of Foreign Affairs, the Chief of the Defence Staff and Canada's Ambassador of Religious Freedom could provide information to parliamentarians. I think that all the information that should be made public is being made public at the appropriate time and that the people who needed to be consulted were properly consulted.

[*English*]

**Senator Mitchell:** Honourable senators, there is certainly an indication that Mr. Harper is considering seriously much heavier involvement, as he revealed at a conference this week in the United States — once again telling Americans his position perhaps before he tells Canadians — that he received a letter from Mr. Obama asking for greater Canadian commitment. He would not have announced that letter had he not given at least some thought to making a greater commitment.

Could the leader give us and Canadians some indication of the magnitude of the commitment beyond the 69 military personnel who are there, whether the role will be supportive or combat, and when we might get some kind of public disclosure as to the details in that regard?

[*Translation*]

**Senator Carignan:** As you know, throughout its history Canada has answered the call when innocent people were being killed and civilization was threatened. We cannot stand by while the Islamic State, as it is known, continues to kill innocent civilians and members of religious minorities.

Canada has supported the American efforts to conduct air strikes against the group known as ISIL in Syria. We have also delivered 583 tonnes of military equipment provided by our allies to the Iraqi security forces.

Our government has deployed members of the Canadian Armed Forces, as you said, to provide strategic and tactical advice to the Iraqi forces, including the Kurdish forces fighting against this Islamic group.

The United States recently asked Canada for an additional contribution. We want this mission to be successful. We are examining this request as we look at renewing the mission at the end of the 30-day deployment period, which we agreed to on September 5. We were clear that the 30-day period would start on September 5 and that at the end of that 30-day period, we would look at renewing the mission.

[*English*]

## NATIONAL DEFENCE

### PROCUREMENT

**Hon. Grant Mitchell:** Having cut billions of dollars from the military's budget, and given that the Prime Minister remarked at one point that we would be involved in these missions but on a budget, to some extent, what confidence can Canadians and the Canadian military have that there will be sufficient financial resources leading to sufficient equipment and preparation so that our soldiers and other military personnel will be properly and adequately supported in what could well become a combat mission in Iraq?

[*Translation*]

**Hon. Claude Carignan (Leader of the Government):** Senator, you have given me the opportunity to begin by talking about action. In addition to deploying members of the Canadian Armed Forces and transporting 583 tonnes of military equipment provided by our allies, we have also given \$15 million to support security measures in Iraq. That money includes \$10 million for non-lethal security assistance and \$5 million to support regional efforts to limit the movement of foreign fighters into Iraq and Syria.

Since 2014, Canada has contributed more than \$28 million to respond to humanitarian needs in Iraq. Of that, \$18.6 million has gone to those affected by civil unrest and \$9.6 million has gone to Syrian refugees. We have also added Iraq to the list of Canada's development partner countries.

As for the national defence budget and investments, I would like to remind you that since it was elected, our government has made major investments in the Canadian Armed Forces. We want to be sure that the Canadian Forces have the people, equipment, infrastructure and resources they need to defend Canada and protect its interests. As I have often said, after a decade of darkness, we increased the defence budget by more than 27 per cent. We followed through with major purchases such as

C-17 and C-130 aircraft and Leopard 2 tanks, as well as major capital projects such as the modernization of the *Aurora* and *Halifax* frigates and the Arctic offshore patrol ships. Thanks to the right investments and sound policy, our government is following through on its commitment to ensure that Canada's military personnel are strong, proud and ready to defend Canada's interests at home and abroad.

[English]

**Senator Mitchell:** It's a question of the cup being viewed as one-sixteenth full or fifteen-sixteenths empty. How can the leader say that this government in any way, shape or form has supported the materiel requirements of our military when they haven't cut steel on a single ship; haven't bought a single helicopter; haven't bought a single jet; and haven't even bought the rifles for the rangers in the North to replace the 50-year-old rifles, but they have announced them many times; and they've cancelled the contract on the much-needed armoured vehicles? How can this government possibly say that it is doing anything other than creating a dark, dark decade for the military in the early 2000s?

[Translation]

**Senator Carignan:** Senator, since 2006, the government has increased military spending by 27 per cent. We've been able to implement major procurement projects: C-17 aircraft for air transport, which were used extensively in Afghanistan, Haiti, Libya and the Philippines; the C-130; Leopard 2 tanks and major investments in the helicopter replacement program.

Senator, you have consistently voted against our economic action plans, which have included a number of these investments, equipment purchases and capital projects. Therefore, you are in no position today to complain and supposedly demand better investment in the Armed Forces.

If there is a government that stands up for its principles and invests in equipment and national defence so that the men and women who fight under the Canadian flag are well equipped, it's this one.

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• (1410)

[English]

## ORDERS OF THE DAY

### AVIATION INDUSTRY INDEMNITY ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Leo Housakos** moved second reading of Bill C-3, An Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability

[ Senator Carignan ]

Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts.

He said: Honourable senators, I'm pleased to speak today on Bill C-3, the proposed safeguarding Canada's seas and skies act. The bill before us proposes certain adjustments to five acts governing essential elements of Canada's transportation system.

We all understand the importance of an efficient, cost-effective and sustainable transportation system to Canada's competitiveness and prosperity. We also know that adjustments must be made periodically to the legislation governing this system to keep it responsive to changing conditions. These adjustments can have far-reaching implications for the safety and efficiency of our transportation system.

The proposed legislation contains amendments to the Canada Shipping Act, 2001; the Marine Liability Act; the Canada Marine Act; the Aviation Industry Indemnity Act; and the Aeronautics Act. The overall intent of the bill is to protect our coasts and shores while ensuring that Canada has an efficient and sustainable transportation system needed to support our economy.

The proposed safeguarding Canada's seas and skies act deals with a number of transportation priorities. It would require oil handling facilities to submit pollution prevention plans and introduce administrative monetary penalties to Part 8. It would strengthen the authority of Transport Canada inspectors and remove legal barriers preventing responders from acting in an emergency, and it would enact the aviation industry indemnity act, ensuring Canada's aviation industry has war-risk coverage when the industry needs it.

Let's look at the details. I'll begin by discussing the proposed amendments to the Canada Shipping Act, 2001. This is the principal legislation governing safety and environmental protection in marine transportation and recreational boating. It applies to Canadian vessels in all waters around the world and to all vessels in Canadian waters.

The act's objectives include protecting the marine environment, reducing the impact of marine pollution incidents in Canadian waters and ensuring the safety of the public. The proposed amendments would increase protection of the marine environment by strengthening the provisions regarding pollution prevention and spill response.

The current act requires all oil-handling facilities to prepare oil pollution prevention and emergency plans and to have these plans on site. Transport Canada monitors the facilities' compliance through on-site inspections. However, the current legislation needs to be strengthened.

To strengthen spill prevention and preparedness at oil-handling facilities, the amendments would require that facilities submit both prevention and emergency response plans to the minister. They would also empower departmental inspectors to direct facility operators to demonstrate their compliance.

In addition, the amendments would expand the administrative monetary penalty provisions of the Canada Shipping Act, 2001, to deal with failure to comply with the Act.



The current regime allows marine safety inspectors to impose monetary penalties on vessels or persons that do not comply with the act. These monetary penalties range from \$250 to \$25,000. However, monetary penalties do not apply at present to Part 8 of the act, which forces the department to prosecute infractions. This can be done either through the courts or by taking administrative actions, such as suspending the certificate of designation of non-compliant response organizations.

Both of these options are complex and potentially expensive. Extending the use of administrative monetary penalties to Part 8 of the act would allow marine safety inspectors to impose monetary penalties. This would provide the department with a flexible enforcement tool that is more effective than the current practice. The amendments would also add clarity to the provision of civil and criminal immunity for Canadian response organizations.

The current act provides this immunity to certified response organizations when they are responding to a ship-source oil spill. However, it does not provide such immunity if these organizations are responding to spills that occur when a vessel is loading or unloading at an oil-handling facility. As a result, the response organizations are reluctant to respond to these spills and the environment is exposed to unnecessary risk.

The proposed amendments would strengthen Canada's capacity to respond to oil spills by extending immunity to certified response organizations responding to spills that occur when a vessel is loading or unloading at an oil-handling facility.

These amendments would also extend immunity to the agents of Canada's response organizations. These agents, who are providing assistance to our response organizations, are reluctant to help in such emergencies without this immunity.

Given that oil spills must be dealt with immediately, providing the agents of the response organizations with assurance of immunity would improve Canada's access to the resources needed to clean up a spill. This immunity could also extend to our foreign partners.

Canada and the United States have a long history of helping each other in times of distress. This includes responding jointly to oil spills and other incidents affecting our waterways. Although Canada does not rely solely on the assistance of our U.S. neighbours, we have been fortunate to have it. We expect that with these amendments we will continue to have it in the future.

These proposed amendments to the Canada Shipping Act, 2001, reiterate the Government of Canada's commitment to ensuring marine safety, protecting our marine environment and supporting shipping's crucial role in Canada's economy.

Continuing with marine transportation, I'd like to turn now to the proposed amendments to the Marine Liability Act.

Canada is a trading nation, and that trade necessarily involves transporting substances considered hazardous and noxious, such as chemicals, liquefied natural gas, propane or other materials. The potential for a chemical spill in Canadian waters requires appropriate mechanisms to prevent accidents and to respond to them effectively. These hazardous or noxious substances account for only a small percentage of the cargo moved by ship in Canada, but that is still almost 400 million metric tonnes a year. The Marine Liability Act is the principal legislation dealing with the liability of shipowners and ship operators in relation to passengers, cargo, pollution and property damage.

The proposed legislation amends the Marine Liability Act to implement the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010. Among other things, it gives force of law to many provisions of the convention, clarifies the liability of the Ship-source Oil Pollution Fund with respect to the convention, and confers powers, duties and functions on the fund's administrator.

The amendments recognize both the importance of uniform standards in the global transport of hazardous substances and the importance of such standards to Canada's trade and economic prosperity. The amendments would accomplish these objectives in four ways: First, they would implement the 2010 convention to establish the liability of shipowners in the event of spills and require them to have insurance to cover this liability; second, they would establish a legal framework, enabling those affected by spills to access the international compensation fund; third, they would create a regulatory-making power to adopt regulations that would require reporting receipt of bulk hazardous and noxious substances in Canadian ports; and fourth, they would ensure levies are paid to the international compensation fund and update the enforcement regime.

We can see how important these amendments are, both to Canada's waterways and to our trade and prosperity, by looking at their potential impact. First, the amendments provide comprehensive coverage for more than 6,500 hazardous substances transported in Canada by ship. The list of substances covered by the amendments would be continuously updated. Second, the amendments with other international conventions Canada has ratified. Finally, the amendments are in line with Canada's long-standing policy to seek multilateral solutions to issues of marine liability and compensation.

There is strong support among stakeholders and industry associations for ratification of the 2010 hazardous and noxious substances protocol and its implementation through these amendments. Shipowners accept their liability under these international conventions, and cargo owners accept their responsibility to contribute to international funds. Both parties want to ensure that victims are compensated in the event of an accident or incident.

Before we leave marine transportation, I must mention a small but needed amendment to the Canada Marine Act that is included in the proposed legislation. The amendment would provide for the standardization of effective dates for Governor-in-Council appointments to Canada Port Authorities as the date set by the Governor-in-Council.

• (1420)

Under subsection 14(2.2) of the Canada Marine Act, a director's appointment to a port authority takes effect on the day the port authority receives notice of the appointment, not on a date determined by the Governor-in-Council. The proposed amendment would revise this unique qualification to the Governor-in-Council's power to appoint. It would also remove a minor administrative burden and inefficiency.

I have spoken at length about marine transportation, but our transportation system extends to the air, as do these amendments and the Aviation Industry Indemnity Act.

The Canadian aviation industry requires insurance coverage to operate. In addition to general risks, like all insurance policies, this coverage must extend to acts of war, terrorism or civil unrest.

The 9/11 terrorist attacks so disturbed the war-risk insurance markets that it became difficult for Canadian aviation operators to obtain adequate coverage, and the subsequent financial crisis destabilized markets. In response, the Government of Canada developed the Aviation War Risk Liability Program to indemnify aviation businesses against claims from third parties, such as owners of property on the ground, who suffer losses caused by attacks on air. This program met the need, but, without permanent authority, it must be renewed repeatedly and has limited flexibility.

The proposed legislation, the Aviation Industry Indemnity Act, would give the Minister of Transport permanent authority to provide indemnities, when they are necessary, to ensure that the industry has the necessary coverage. This would allow air industry operators to get the coverage they need in the event of continuing market instability. In short, it would allow the same kind of coverage as is available now but would provide the flexibility to act quickly, respond as the circumstances require and address a cumbersome renewal process. It would also enable the minister to act or respond quickly, especially in emergency situations.

To ensure transparency, the minister would report to Parliament within 90 days of authorizing an indemnity and every two years if there were no change. The aviation industry has expressed strong support for this coverage.

The Safeguarding Canada's Seas and Skies Act also includes proposed amendments to the Aeronautics Act concerning civilian involvement in military aviation accident investigations. The Canadian Forces, which conducts numerous aviation activities, has a Canadian Forces Flight Safety Program. In the rare event of an accident, military flight-safety investigators look for the causes, interview witnesses and make recommendations to improve safety. Today, civilian contractors are involved in many of the tasks related to military aviation, including some related to safety, such as flight training, strategic airlift, target towing and equipment maintenance. These civilian contractors could be essential to a military flight-safety investigation.

While civilian contractors generally cooperate with these investigations, there is no effective legal means to require their cooperation. The proposed amendments to the Aeronautics Act

would give military flight-safety investigators tools to fully investigate flight-safety incidents involving civilians.

These tools include the power to search premises, seize documents and take statements. They align with those available to investigators working for the Transportation Safety Board. The changes would also permit access to on-board flight recordings by a board of inquiry convened under the National Defence Act. This access would apply only in appropriate circumstances and only for military administrative purposes.

These tools would ensure that civilians contribute their expertise to military aviation safety, supporting the continued development of effective aviation-safety measures for the Canadian Forces.

In conclusion, the amendments included in the Safeguarding Canada's Seas and Skies Act would support Canada's competitiveness by helping to modernize our transportation system and strengthen our international partnerships, while protecting our environment and the well-being of all Canadians. Thank you.

(On motion of Senator Mitchell, debate adjourned.)

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of September 24, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 30, 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.)

## 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. Bob Runciman:** Honourable senators, I rise today to speak at second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations,) a bill that was first introduced in Parliament almost three years ago.

Some opponents of this legislation have described it as “anti-union.” I disagree. I do that from the vantage point of someone who has seen the best and the worst of unions.

As a young man, I suffered serious injuries in an industrial accident and quickly came to appreciate the benefits of a union fighting on my behalf for a safer workplace. I went on to become the president of my local for the International Chemical Workers Union, my start in politics.

I was proud to serve in that capacity and to, very early on, be part of groundbreaking initiatives to bring environmental protection issues to the bargaining table.

There is no question that I respect the achievements of unions in improving working conditions for men and women from across the country and for leading the way on so many issues Canadians care deeply about.

More recently, however, I have seen the other side of unions, and it is this recent experience that leads me to believe that Bill C-377 is both reasonable and necessary.

At the federal level, this government has introduced extensive reforms to ensure that Canadians have trust in their political institutions. The Accountability Act reformed the financing of political parties to reduce opportunities to influence politicians with contributions, banning union and corporate donations and levelling the playing field among individual contributors.

Spending by third parties, thanks to the Chrétien government, is restricted to ensure that they cannot unduly influence federal election campaigns. Unfortunately, that is not the case in all other Canadian jurisdictions, particularly in my home province of Ontario.

Starting in 2003, unions have channelled their resources — their members’ dues — into electing Liberal governments in Ontario. In 2011, they spent more than \$6 million to re-elect Dalton McGuinty. It is estimated that that figure jumped to more than \$10 million in the Ontario election this past June.

In other words, these third parties, united toward a common goal, spent more than any of the three major parties is allowed to spend in elections in Canada’s largest province.

Let’s look at an example of their specific impact on the democratic process. In the fall of 2012, Ontario held two provincial by-elections. At stake was whether or not the Liberal government could slip over the threshold to a majority government, but Premier McGuinty had angered his union friends by introducing austerity measures aimed at curbing the province’s bloated deficit, a deficit fuelled for years by the Liberal government’s decision to reward the unions with generous contracts.

• (1430)

Union bosses united behind the NDP in Kitchener-Waterloo, the only competitive race. It resulted in the election of the first NDP member ever for that riding and, when financial statements were filed, it became clear how the NDP took Kitchener-Waterloo, despite spending just \$50,000. Teachers’ unions alone spent more than \$1.5 million to elect the NDP. I want to repeat that: That’s \$1.5 million in just one riding.

Make no mistake; Kathleen Wynne, when chosen to succeed McGuinty, got the message: The age of austerity was over; for the unions in Ontario, happy days were here again; and for long-suffering taxpayers, not so much.

The province’s Chief Electoral Officer has repeatedly called for limits on third-party advertising, a position endorsed even by the Liberal-friendly *Toronto Star*. But I’m not holding my breath on that one.

It was no surprise that Ontario’s labour minister opposed Bill C-377 when it first came to the Senate, given that government’s quid pro quo arrangements with big labour.

Ontario is relatively unique in that there are absolutely no controls on third-party spending in election campaigns, but this example points out the need for some degree of transparency and disclosure of union finances. Right now, hundreds of millions of dollars of union dues — \$860 million in 2012 — are deducted from tax returns. That tax-exempt money is spent how the union bosses see fit. The members have little say over it, if they even know about it. Recently in Quebec it was left up to the Charbonneau commission to uncover union funds being spent in all sorts of non-bargaining ways, including the construction of a strip club.

Bill C-377 imposes transparency and accountability on unions and nothing more. It would require labour organizations to file a public information return with the Canada Revenue Agency on an annual basis. The disclosure requirements would include financial statements, including a statement of assets and liabilities and a statement of income and expenditures, and other prescribed financial information, including amounts paid for political and lobbying activities, and the salaries paid to executives and staff.

In addition, the bill would require the CRA to display the information contained in the return in a searchable format on its website. Labour organizations that do not comply with the filing requirements would, upon conviction, be subject to a fine of up to \$25,000.

Disclosure will at least let members and the general public know how this tax-advantaged income is being spent. Canadians want this disclosure and they deserve it.

An October 2013 Leger survey found that more than 80 per cent of current or formerly unionized Canadians and 83 per cent of all working Canadians want unions to publicly disclose their finances. The union bosses who oppose this bill so fiercely want to hide their spending, and not just from Canadians but from their own members.

Far from targeting unions, Bill C-377 does no more than impose some of the same obligations that registered charities now face. Charities are required by law to operate exclusively for charitable purposes. There are strict rules regarding political

activities. They are required to report complete and accurate information on an annual return that's publicly disclosed, and failure to comply can result in losing their charitable status. Contrast these obligations for disclosure and restrictions on activities for charities with the current anything-goes treatment of union finances.

Bill C-377, in my view, is a modest initiative. It makes significant progress on the disclosure side, but it in no way restricts how unions can spend their money. This is the essential point that has been missed or misconstrued by critics of the bill, particularly by those who claim Bill C-377 is unconstitutional.

No less an authority than former Supreme Court Justice Michel Bastarache concluded that Bill C-377 is constitutional because it "merely provides for disclosure of financial information by labour organizations; it does not attempt to regulate the activities of such organizations or affect how their money is spent."

I have no doubt that we will hear from the critics that union finances are already disclosed to members; but if their finances are already open and transparent, then why are union bosses so afraid of Bill C-377? They are against it because their claims of openness are bogus. Disclosure provisions are in place in only 8 of Canada's 14 tax jurisdictions, and they are limited in their scope and vary from province to province.

Not one province requires disclosure to the general public. The union bosses are against it because they don't want people — including their own members — to know how they spend their money. If they don't want to be accountable, they should give up their tax deduction.

Bill C-377 is a small step towards fairness, transparency and accountability, a step that, in my view, is long overdue.

**Some Hon. Senators:** Hear, hear.

[Translation]

**Hon. Céline Hervieux-Payette:** Would my colleague, a former union member, take a few questions? Thank you.

Since I was the assistant deputy minister of the Quebec labour department, you will understand that this topic concerns me in particular. This issue is subject to provincial legislation. Annual reports and financial statements are published, and the information is available to all the union members. If they want more information, they can ask to see all the reports, with all the transparency they want.

How can my colleague try to involve the federal government in an area that basically falls under provincial jurisdiction?

[English]

**Senator Runciman:** I think I did, Mr. Speaker, spell it out in my comments. This is a tax benefit that all Canadians recognize as coming from the federal government, and I believe there's a

[ Senator Runciman ]

responsibility on the part of these institutions to let us know how that money, that tax benefit that they're gaining from federal legislation and from federal tax codes, is being utilized. I think that's a fair and reasonable request.

**Some Hon. Senators:** Hear, hear.

[Translation]

**Senator Hervieux-Payette:** I find it strange that you are digressing to talk about issues related to Ontario and the contributions that have been made. You took a roundabout way to get there.

Since you yourself said that it was in Ontario that you had seen things you didn't like, why are you talking about them here, at the federal level? If those things were causing problems in Ontario, it is up to the Government of Ontario to enact legislation. You are using tax credits as a secondary argument. Small- and medium-sized businesses receive tax credits. Should they have to release all their financial statements and contributions? If you followed the Charbonneau commission, you would have heard about the front men used by companies, accounting and engineering firms — ask Mr. Housakos, he is no doubt aware.

Every time they receive benefits, be they tax credits, contributions to political parties or businesses, should all the numbers be posted on the revenue department site?

[English]

**Senator Runciman:** I've been asked to speak to Bill C-377. The senator raises suggestions that may have merit, but they're not the subject of this legislation, and I support this legislation.

• (1440)

**Some Hon. Senators:** Hear, hear.

[Translation]

**Senator Hervieux-Payette:** I'm sorry, senator, but I only repeated what you said, which was that this came under federal jurisdiction because of the tax aspect. I provided some other examples and said that if we want to be consistent when it comes to tax benefits and publish the financial statements of all economic players, it would be easy to move forward.

However, what would you do about the Charter of Rights and Freedoms, for example, which gives people the right to unionize, organize, vote and all that under provincial laws? How can that come under federal jurisdiction through the Canada Revenue Agency, which would publish all the information of more than 1,000 unions? To what end? Would it be to help the union members or inform Canadians? In my opinion, it's already hard enough for Canadians to find out about the federal government's financial statements.

I would like to understand why the union members shouldn't have their say first and ask for some changes at the provincial level, not the federal level.

[English]

**Senator Runciman:** Public financial disclosure for labour organizations is a reality in most G7 countries. Many of the Canadian unions that have American connections already provide disclosure in the American jurisdiction. This is not something new. In some respects, Canada is behind the times on this.

Again, I think this is fair and reasonable. It's not an overly intrusive exercise with respect to getting into the affairs of unions across this country. It's supported by a vast majority of Canadians, according to the poll I cited, including union members. Given my own experiences in Ontario with the special assessments that unions have made on their membership, I know a lot of members, rank-and-file members, disagree completely, but leadership have a different political motive in many instances and override the concerns of their own members.

**Some Hon. Senators:** Hear, hear.

**The Hon. the Speaker *pro tempore*:** Senator Runciman, if you ask for more time, then other questions can be asked. Are you asking for more time?

**Senator Runciman:** I'm not, but I will agree to more time.

**The Hon. the Speaker *pro tempore*:** Five minutes is given.

[Translation]

**Senator Hervieux-Payette:** I just wanted to ask the senator what jurisdictions outside Canada — Germany, France, Great Britain or others — grant the right to publish the financial information of all unions. To my knowledge, it is not a common practice to publish this information, and especially not on the websites of these countries' revenue departments.

I would like you to give us the specific information that the Canadian government would like to obtain.

[English]

**Senator Runciman:** I am not the sponsor of this legislation, but I was advised that public financial disclosure for union and labour organizations is a reality in most G7 countries. I will ensure that that information is forwarded to your office.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Would Senator Runciman take another question?

**Senator Runciman:** Yes.

**Senator Fraser:** I was struck by your repeated use of the phrase "union bosses," which is a phrase one hears quite often from certain segments of the debate on this issue. Union leaders are elected, and if their members don't vote them into office, then they're not union leaders anymore.

In contrast, the managers with whom they negotiate are not elected. They do, it seems to me, qualify rather more for the phrase "bosses," if one wants to go down that route. But I had been under the impression that people on the other side — and I hope I'm not making too far a leap here — and that you yourself on certain occasions had held that election confers legitimacy. So why go on calling people "union bosses"?

**Senator Runciman:** Well, you can call them corporate bosses, labour bosses or union bosses. If you wish to use that terminology, feel free. From my perspective, that's the way I like to describe many of these individuals who — you're right; they are elected, and they have, I guess, the authority to do and say what they please with respect to the matters that fall under their ambit of responsibility. But I think it's an appropriate use of the English language, and I will continue to use it, especially in respect to this legislation.

**Senator Fraser:** Well, I will agree to disagree with my friend on this matter.

Your Honour, I move the adjournment of the debate in the name of Senator Ringuette.

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

### STUDY ON THE ABILITY OF INDIVIDUALS TO ESTABLISH A REGISTERED DISABILITY SAVINGS PLAN

#### THIRD REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator LeBreton, P.C., for the adoption of the third report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *The Registered Disability Savings Plan Program: Why Isn't It Helping More People?*, tabled in the Senate on March 26, 2014.

**Hon. Yonah Martin (Deputy Leader of the Government):** Question.

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

(Motion agreed to and report adopted.)

**SUPPORTING INFORMAL CAREGIVERS OF  
PERSONS WITH DEMENTIA**

INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, I have spoken to Senator Andreychuk and explained to her that I have not been able to produce my notes on this important and welcome inquiry. However, I do know that one of my colleagues is anxious to speak to it, and therefore I move the adjournment of the debate in the name of Senator Hubley.

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

• (1450)

**UKRAINE**

INQUIRY WITHDRAWN

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to the situation in Ukraine.

**Hon. A. Raynell Andreychuk:** Honourable senators, the situation in Ukraine continues to evolve. I have not spoken on this issue because of the dramatic changes throughout the time this item has been on the Order Paper. President Poroshenko's visit to Ottawa last week made clear that Parliament and Canadians more broadly have become immersed and interested in the situation in Ukraine. As such, I do not believe that a broadly worded inquiry about the situation in Ukraine is needed at this time.

My intention is to allow this item to be dropped from the *Order Paper and Notice Paper* and then, at a later time, to raise specific issues concerning the situation in Ukraine.

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

**Hon. Senators:** Agreed.

(Inquiry withdrawn.)

:

[*Translation*]

**CORRECTIONS AND CONDITIONAL RELEASE ACT**

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

**Hon. Pierre-Hugues Boisvenu,** pursuant to notice of September 18, 2014, moved:

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.

He said: Honourable senators, I would like to thank His Honour for explaining the situation in which we find ourselves. I would also like to thank Senator Carignan and Senator Fraser for their interventions on this matter.

[*English*]

Bill C-479, introduced by David Sweet, is known commonly as the fairness for victims act. This is an important bill that returns victims to their rightful place at the heart of the criminal justice system.

[*Translation*]

Because of human error by the table officers in the other place, we now have a bill that is not in the prescribed form. This error should not prevent this important legislation from being passed, though.

However, I agree that we have rules that must be followed, which is why I encourage honourable senators to support the motion to cancel the bill in its current form, the one we have before us, and proceed with the text as passed by the House of Commons.

[*English*]

On this side, we will always stand up for the rights of victims. This bill does just that, and I look forward to receiving the support of all senators.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, this motion has nothing to do with the substance of Bill C-479. This motion is simply getting rid of the incorrect version of Bill C-479 that was sent to us by the House of Commons. We will reserve our comments on the substance of Bill C-479 for the debate on that bill.

In connection with this motion, let me observe that the Speaker of the other place assured his colleagues there that steps were being taken to ensure that errors of this nature did not recur. I'm sure that steps have been taken; I hope they are effective. This is not the first time that a bill has come to us in incorrect form from

the House of Commons. Fortunately, it doesn't occur often. I have considerable sympathy for the hard-worked table officers there. I know how hard our table officers work, and I'm sure it is, if anything, worse there because the climate in the House of Commons is so often more hostile, volatile and partisan, than it is here. The table officers must try to make sense out of what's going on around them.

That said, I think the procedure that the Senate adopted in this case was the appropriate one. We could have expedited matters and done it all a week ago, but this is a private member's bill, not government legislation, and there is nothing particularly urgent about it. Therefore, I think it was appropriate for us to follow the

procedure laid out in the rules. I congratulate Senator Boisvenu for having shepherded us through this procedure, which, fortunately, we don't have to be extremely familiar with. Therefore, I support the motion.

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

(Motion agreed to and bill withdrawn.)

(The Senate adjourned until Tuesday, September 30, 2014, at 2 p.m.)

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