SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 92

OFFICIAL REPORT
(HANSARD)

Tuesday, November 4, 2014

The Honourable NOËL A. KINSELLA
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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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

Tuesday, November 4, 2014

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

Prayers.

SENATORS' STATEMENTS

FIRST WORLD WAR

CONTRIBUTIONS OF NEWFOUNDLAND AND LABRADOR

Hon. Elizabeth (Beth) Marshall: Honourable senators, next week, on November 11, communities across Canada will be commemorating Remembrance Day and honouring Canada's veterans and those who have served in uniform. This year, we also recognize the centenary of the beginning of the First World War. Today I pay tribute to the men and women of Newfoundland and Labrador who served during the First World War.

In 1914, when war was declared, Newfoundland was an independent dominion, or country, within the British Empire, with a population of about 250,000 people.

When Britain declared war in 1914, Newfoundland immediately pledged its support. More than 12,000 Newfoundland men served in uniform, mostly in the British and Canadian forces. Others were willing to serve but did not meet the medical standards of the day, which is an indication of the state of nutrition that existed in Newfoundland at that time.

Newfoundlanders and Labradorians served bravely at Gallipoli and Beaumont-Hamel, at Monchy-le-Preux, Ypres and Cambrai. In recognition of its contribution, the Newfoundland regiment was awarded the title "Royal," the only regiment to receive this honour during the First World War.

The women of Newfoundland and Labrador also supported the war effort. Nurses served in convalescent hospitals and at the front. Other women volunteered for first aid training and provided basic care to soldiers.

Following the declaration of war in 1914, 700 women attended the first meeting of the Patriotic Association of the Women of Newfoundland to help the men of Newfoundland in their defence of the British Empire. The women of Newfoundland mobilized themselves and produced socks, shirts, pillows, pyjamas, hospital jackets, knitted caps and handkerchiefs. This was quite a feat since much of the population of Newfoundland and Labrador was scattered throughout hundreds of small, isolated and mostly coastal communities, a reflection of an economy based on the fishery.

In just two years, the women of Newfoundland and Labrador knitted over 62,000 pairs of socks for the troops serving overseas at the front.

Last month, at Government House in St. John's, Her Honour Patricia Fagan hosted a reception in honour of the one hundredth anniversary of the formation of the Patriotic Association of the Women of Newfoundland to acknowledge their contribution to the First World War.

Honourable senators, please join me in paying tribute to the men and women of Newfoundland and Labrador for their contribution during the First World War.

THE LATE MARK DUNN

Hon. Jim Munson: Honourable senators, it is with profound sadness that I rise today to honour an old friend. To be honest, he wasn't that old, and that's what makes it tougher.

On October 25, Mark Dunn died at the age of 54. Mark Dunn was part of this political play on Parliament Hill in what seems forever. He played a number of major roles, from journalist to adviser to ministers and leaders. It was as a journalist where I got to know Mark. Whether at the Canadian Press or Sun News, you knew when Mark was in the room. You knew when Mark was in a scrum. You knew when Mark was asking a question. I always wondered how you could be so gruff and smiling at the same time.

His last posting was here in Ottawa as the senior national reporter for Sun News. From what I heard in testimony at his celebration of life service on Saturday, he was well loved and well respected at Sun News.

But it was always that way for Mark. In some quarters, many feared him. As the saying goes, he didn't suffer fools gladly. Many things have been said about Mark — for example, his descriptive language about everything, particularly politicians. But Mark was also a teacher, an editor who would help others make their stories better, a selfless man who shared his knowledge with others.

Mark Dunn had an unusual career path both as a reporter and as an adviser to ministers and leaders. How do you go from Sun News in 2001 to political adviser to former Liberal minister Denis Coderre and then join the team of former Liberal leader Stéphane Dion and then back to Sun News? Not many people could do that. But Mark could, because he was good with people. He cared about the political system, and he got to understand it from both the inside and the outside, always questioning, always probing, always trying to understand what makes the Hill tick.

In his obituary, it is written that as a journalist his stories were fuelled by his intolerance of idiocy and injustice, riddled with wit, fed by his irreverent sense of humour, and elevated by a command of the language that few reporters ever achieve.

It is also written that he was the kind of fearless old-school newspaperman that we desperately need now. One press secretary said he taught him how to swear at journalists and have them like it.

It was the same as an adviser on the campaign trail. The year was 2008. As we travelled together on the Stéphane Dion campaign, it was that wit, that biting humour that kept us reasonably sane. We may have lost the election, but Mark never lost his sense of humanity and caring for those around him.

Honourable senators, isn't it tough when you lose a friend? But it's tougher when you lose a spouse. Today I want to wish Gloria Galloway, who is a *Globe and Mail* journalist, strength, strength in knowing that her husband was a friend to many, a teacher to others, and just a good, old grumpy hack in the press gallery.

This is aging time. To his mother, Eleanor, whom I worked with in the 1970s, I want her to know that it was special to share part of her son's life on the road and, from time to time, in a bar.

What a companion, what a son, what a husband, what a brother and stepfather. Mark Dunn lived and loved life to the fullest, and, of course, he will be missed.

POLIN MUSEUM

OPENING OF MUSEUM OF JEWISH HISTORY IN POLAND

Hon. Linda Frum: Honourable senators, last week it was my great honour to be among the many international delegates at the opening ceremony of the new museum of Jewish history in Warsaw, held in the presence of the President of Poland and the President of Israel.

• (1410)

The museum stands in what was once the heart of Jewish Warsaw — an area which the Nazis turned into the Warsaw Ghetto during World War II.

The very existence of this beautiful museum, dedicated to 1,000 years of Jewish Polish history, is something of a miracle, made possible by an $80-million investment by the Polish government and an additional $50 million of private funds. But even more astonishing than the generous sums raised to create this remarkable institution is the impetus behind it. This new museum is not a museum to commemorate how Jews died in Poland. It is a museum to celebrate how they lived and, indeed, how they often thrived.

Jews first arrived in Poland in the Middle Ages. By the mid-18th century, there were 750,000 living across the United Kingdom of Poland and Lithuania. Eventually, the Jewish population of Poland grew into the largest Jewish community in the world.

Anti-Semitism was an undeniable fact of Jewish life in Poland, but so, too, were periods of prosperity, creativity, tolerance, cooperation and coexistence. By the time the Nazis invaded in 1939, Poland was home to 3.3 million Jews, about one third of all European Jewry. Ninety per cent of these innocent souls perished in the Holocaust.

As President Komorowski has now famously remarked: You cannot understand the history of Poland without understanding the history of the Jews, and you cannot understand the history of the Jews without understanding the history of Poland.

This is something that all those of us who have a connection to Poland know to be true. However, it was only after the fall of communism in 1989 that an honest and unflinching examination of the true Polish-Jewish dynamic could even become a possibility.

Now, with the opening of the Polin Museum, that possibility has bloomed into full flower. Again, in the words of President Komorowski:

> It is truly special to take part in the making of history, as we are not just connecting with the centuries-long Polish-Jewish relationship, but also providing a stimulus for the future of Polish-Jewish and Polish-Israeli relations.

For my part, as a Jew of Polish heritage, married to the son of Holocaust survivors, participating in the opening of this museum was a truly emotional experience. It is with special pride that I note that the genius curator behind the museum, Professor Barbara Kirshenblatt-Gimblett, is a Toronto native.

However, the museum was born of the contributions of many, including a cadre of Canadians. To each and every person who in some way, large or small, contributed to this valuable memorialization of Polish Jewish life and civilization, may I say: Thank you and bless you. Because of your efforts, we see the promise of a new era of friendship, respect and understanding, and that is something wonderful to celebrate indeed.

FIRST WORLD WAR

JOINT PARLIAMENTARY SYMPOSIA IN CANADA AND FRANCE

Hon. Serge Joyal: Honourable senators, you will find on your desk today a special leaflet, in both official languages, about a very unique initiative that will take place in this chamber next week, on November 11 and 12, under the presidency of our distinguished Speaker Senator Kinsella and His Excellency the Ambassador of France to Canada, Mr. Philippe Zeller.

This initiative is special in that, among all the parliaments of the allied countries that took part in the First World War, Canada's parliament is the only parliament that will organize with our friendly parliamentarians from France a joint seminar on the theme of Canada and France during the First World War, 1914-1915, zeroing in on the transformative impacts that the war had on Canada and on France. Among the transformative impacts that that war had was the one on the Parliament of Canada. The Parliament of Canada came out of the war transformed.

Twenty historians will be invited, drawn from Canada and France, ten of them Canadian and ten of them French, and each will be invited to address one specific aspect of the transformation that Canada underwent through the war.

Fortunately, we will also have a symposium in Paris, France, at the National Assembly next spring in 2015, with a complementary approach to the one that will take place here next week.

Honourable senators, you are all invited to attend the public opening that will take place next Tuesday afternoon, November 11.

The seminar will have a special significance because it will be accompanied by the publication of a book next spring that will put together all the contributions with the perspective of a complementary approach to our way of seeing the war 100 years later. That seminar will take place under the auspices of the Canada-France Interparliamentary Association and the Association interparlementaire France-Canada.

[*Translation*]

The Minister of Veterans Affairs supports this initiative.

[*English*]

The Honourable Julian Fantino will be addressing the opening of the seminar next week. As I mentioned, in France, it will be under the auspices of the President of the National Assembly, Mr. Claude Bartolone, and the Ambassador of Canada to France, Mr. Lawrence Cannon, who was in Parliament yesterday.

I am very indebted to the Honourable Speaker for having included that initiative in his presentation and thanks expressed to the President of France yesterday, because it highlights that this seminar has been recognized by the French government as being an official commemorative initiative, subsidized by the French government, for the French part of it, and as an official initiative of the joint parliaments.

Let me remind you, honourable senators, that the British, the Americans, the Australians and the New Zealanders, with whom we fought during the war, have not taken the initiative to join the French and Canadian parliaments to look together at how that war has impacted our way of living. As I mentioned, it impacted even our way of conducting business in Parliament.

I'm sure that honourable senators will want to read that presentation once it has been made public and available in printed form. I think it is one of our characteristics in this chamber that we like to bring sober second thought on issues. After 100 years, to have that sober second thought — especially after having listened to Senator Marshall about the impact that the war had on women — there is a specific theme to this.

As honourable senators know, and I don't want to go through all the details of it, women in Canada got the right to vote during the war. That was an immediate change that changed, in fact, the electorate and the participation of the Canadian electorate in the war. Politicians had to adjust their speeches and their preoccupations to women's preoccupations to be able to address that segment of the electorate.

There are all kinds of aspects that will be raised in that seminar and, again, honourable senators, if you are not in Ottawa, you could send your assistants or members of your entourage. It's open to the public, of course, with the usual measures of security that you all know. It would be better to register and there is a place to register mentioned in the leaflet.

Again, honourable senators, I thank you for your attention, and I am most indebted to our Speaker because he was the first one to accept this initiative. I think that with his endorsement, we were able to rally all the other ones. I want to underline that because, without the Speaker's concurrence, this outstanding initiative would not take place. Thank you, Mr. Speaker.

NATIONAL SENIOR SAFETY WEEK

Hon. Judith Seidman: Honourable senators, Canadians are living longer than ever. In 2011, life expectancy at birth reached an average of 81.7 years, an increase of almost 25 years since 1921. There is no question that this increase in longevity will be accompanied by societal changes, many of which are already under way. For example, we know that seniors aged 65 and over give more volunteer hours, on average, than any other age cohort.

However, we also know that older Canadians are more likely to use more prescription medications as they age.

A 2014 report from the Canadian Institute for Health Information found that most seniors take an average of five or more prescribed drugs and that more than 40 per cent of Canadians aged 85 and older take more than ten prescribed drugs. What, then, is the effect of this increase?

• (1420)

There is no question that older seniors often have complex needs, with multiple chronic conditions to manage. We know that the use of multiple medications, also known as polypharmacy, has unintended consequences.

During the study of the Standing Senate Committee on Social Affairs, Science and Technology on prescription pharmaceuticals in Canada, we learned that this issue is of growing concern, especially in long-term care facilities where the use of multiple medications is more than double the proportion among seniors living at home. Witnesses expressed concern that adverse events such as falls are often related to drug interactions or polypharmacy.

How, then, do we ensure that seniors are on the right medication plan? Pharmacists suggest an increase in routine medication reviews, which account for changes in health over time. This approach signals a shift on a larger scale, the introduction of a culture of de-prescribing, which encourages us to change the way we think about pharmacy among the elderly.

Honourable senators, November 6 to 12, we recognize National Senior Safety Week in Canada. Let us use this opportunity to re-evaluate prescription medications use for the elderly. There is no question that this is an issue of increasing importance to Canadians and one that is central to the continued safety of a growing seniors' population.

ROUTINE PROCEEDINGS

CITIZENSHIP AND IMMIGRATION

2014 ANNUAL REPORT TO PARLIAMENT ON IMMIGRATION TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the *Annual Report to Parliament on Immigration 2014*, pursuant to subsection 94(1) of the Immigration and Refugee Protection Act.

HIS EXCELLENCY FRANÇOIS HOLLANDE, PRESIDENT OF THE FRENCH REPUBLIC

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 His Excellency François Hollande, President of the French Republic, to Members of both Houses of Parliament, delivered Monday, November 3, 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. 2403.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Richard Neufeld: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:00 p.m. on Tuesday, November 4, 2014, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: It was moved by the Honourable Senator Neufeld, seconded by the Honourable Senator Lang, that with leave of the Senate and notwithstanding — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Are there questions? Senator Fraser.

Hon. Joan Fraser (Deputy Leader of the Opposition): I wonder if we could ask why leave for this measure is being sought.

Senator Neufeld: The committee has a lengthy hearing tonight, with three different panels. We've been referred from the budget implementation bill three fairly large sections to deal with and we felt that we would need some extra time to deal with all these issues in a fair manner so we get all the information out there that we possibly can. I have spoken to the deputy chair, Senator Massicotte, and he is in favour of this also.

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.)

[*Translation*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Ghislain Maltais: Honourable senators, on behalf of the Honourable Percy Mockler, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5 p.m. on Tuesday, November 4, 2014, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators? Senator Fraser, you have the floor.

Hon. Joan Fraser (Deputy Leader of the Opposition): I still have the same question: Why is this leave being sought?

Senator Maltais: Certainly, Senator Fraser. The witnesses, who are from across Canada, are already here. It will be awfully late for them to return this evening if we do not sit until 8 p.m. or 9 p.m. What is more, tomorrow's schedule is already quite full.

Senator Fraser: I just want to make one comment. Obviously, I am not going to refuse to grant leave, because I understand your priorities. However, generally speaking, I would not want us to get in the habit of doing this for witnesses who are not ministers. We usually make exceptions for the ministers. I would like it to be clear that when the Senate sits, the committees do not. It is part of our Rules. It feels like we are saying that if the Senate doesn't sit at a time that suits us, then we don't have to obey the Rules.

Senator Maltais, I have nothing against your proposal. I understand and accept it. However, I felt the need to remind people of what I think should be our usual practice.

Senator Maltais: Senator Fraser, I accept your consent with pleasure, especially as it will help us save money, because our committee has to cover witnesses' expenses. If we have to do it twice, that doubles our costs, and that money comes from Canadians.

You are right about the Rules, but although there are special motions that require unanimous consent, which you just gave, I agree that we should not do this too often or abuse that option.

Thank you.

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?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

[*English*]

NORTHERN FOOD SECURITY

NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to Northern Food Security.

QUESTION PERIOD

PUBLIC SAFETY

SECURITY SERVICES—PARLIAMENTARY OVERSIGHT

Hon. Wilfred P. Moore: My question is for the Leader of the Government in the Senate. As you know, leader, we on this side are encouraging Canadians to participate directly in our democracy by asking a direct question of our government through you during Question Period. In that light, here is another very good question. This is from Edward Robak of Fredericton, New Brunswick. He has concerns regarding the current government's approach towards CSIS and RCMP oversight by Parliament. Mr. Robak asks:

> Many Canadians are nervous about CSIS and RCMP actions that may be illegal or unethical, but are not given proper oversight by Parliament. Why is there not full oversight by an all-party committee of both of these organizations? Why can't such oversight be transparent to the public, recognizing that some details may be withheld to protect the innocent?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Police forces, including the RCMP, are subject to legislation that must be complied with. The various entities are there to ensure that agencies and police forces such as the RCMP act appropriately. Therefore, it is important to ensure that the different entities can do their job and achieve their objectives.

As you know, the Security Intelligence Review Committee, or SIRC, publishes an annual report, which was recently tabled. We would like to thank SIRC for its reports. This committee plays a key role with respect to the obligation of our national security organizations to be accountable to Canadians. It is my understanding that CSIS reviews the recommendations in the report and implements those that best allow it to protect Canadians and their privacy.

As for the Department of Public Safety, I am told that the minister feels that he receives full information from CSIS and he has complete confidence in the service's capabilities.

[*English*]

Senator Moore: Leader, we have legislation before both houses now advocating parliamentary oversight. Joyce Murray has Bill C-622 in the other place, which was debated at second reading on October 30. And our former colleague and your own former caucus colleague Senator Hugh Segal had Bill S-220, which is still alive and well in this chamber. Should we not be moving Bill S-220 to a more fulsome debate in this chamber in light of our ever-expanding role in the fight against terrorism?

[*Translation*]

Senator Carignan: The bills before the chambers are studied at the appropriate time, and it is up to the chambers to determine the most appropriate time to study the bills in accordance with the legislative agenda.

[*English*]

Senator Moore: That was an interesting lesson in civics, Mr. Leader.

As has been noted by many, Canada is the only member of the Five Eyes with no parliamentary oversight. Why does your government think this is appropriate in a democracy such as Canada?

[*Translation*]

Senator Carignan: The legislative process is taking its course. The Canadian Security Intelligence Service has an entity headed by a former judge that ensures that CSIS obeys the law when it comes to intelligence gathering. That seems to be the case, and as you know, the government would not tolerate illegal acts being

committed by a government agency. That is why we have oversight bodies and agencies that review those activities. We have full confidence in the entity that oversees CSIS.

[*English*]

Senator Moore: I'm interested to hear you mention a judge. We hear that the current system of oversight works, yet CSIS and CSEC misled a justice in obtaining warrants to intercept communications of Canadians abroad. Those two agencies enlisted the support of foreign intelligence without telling the judge, something which is against the law.

Are we, therefore, comfortable knowing that the law can be broken under this system, or, as legislators, should we be setting the bar a bit higher? We have two agencies whose virtues you extol, yet they break the law. Do you think it's proper they should be able to do that, or should we somehow be setting the bar higher and providing the oversight that I think is demanded in Parliament?

[*Translation*]

Senator Carignan: On page 5, the report states that CSEC's activities do not intentionally target the private communications of Canadians or any person in Canada, which would be unlawful. It also indicates that the number of private communications unintentionally intercepted was so small that they could all be examined individually. The commissioner concluded that CSEC continues to act within the law.

I would also like to point out that on page 3 of his annual report, the commissioner said that he was, and I quote:

> . . . concerned that commentators are raising fears that are based, not on fact, but rather, on partial and sometimes incorrect information regarding certain CSEC activities.

Senator, we believe it is important to have an independent oversight body that can provide full and impartial oversight of CSEC, and that is what we have at this time.

[*English*]

Senator Moore: You mentioned in your earlier remarks the Security Intelligence Review Committee. There are currently two vacancies on that committee, leader, and Canadians have to wonder whether or not their faith and confidence are properly placed when we have two of the five seats on that committee vacant at such an important time. How can Canadians continue to have faith in this system without parliamentary oversight?

[*Translation*]

Senator Carignan: Regarding the question of whether there is parliamentary oversight, the fact that there are vacancies does not prevent the committee from functioning. We have an excellent example here. We have vacancies in this chamber, but that does not prevent us from functioning. SIRC is made up of eminent Canadians who oversee our security services, and we have full confidence in their ability to conduct impartial assessments of the actions taken by CSIS to protect Canadians.

[*English*]

Senator Moore: Leader, I don't know that we're really paying attention to the big picture here. With every power that's granted to these security bodies, we are eroding bit by bit our personal liberties. Is this not the very best reason to provide parliamentary oversight of our security establishment? If we are going to ask Canadians to yield so much, should we not strengthen our democratic control over these bodies through creating a parliamentary oversight committee?

• (1440)

[*Translation*]

Senator Carignan: I hear your opinion. When we debate the bills that interest you, I suggest you use a few points in your speech. As I said, SIRC is made up of eminent Canadians who oversee our security services, and we have full confidence in their ability to conduct impartial assessments of the actions taken by the security services.

[*English*]

Senator Moore: Leader, the events of October 22 left senators and members of the House of Commons literally locked down with no knowledge of the situation or any ability to fight back against what was, as President Hollande of France described, "a defilement of our Parliament."

I would remind you and the government that we are the ultimate caretakers of our democracy, not the security establishment, not CSIS, not CSEC and not the RCMP. It is we as parliamentarians who bear the ultimate responsibility for protecting the rights, property and lives of Canadians. Why should parliamentarians be left in the dark rather than be allowed to play our full role in the defence of our country and citizens? Or does the government believe that parliamentarians cannot come together in the best interests of the security of all Canadians?

[*Translation*]

Senator Carignan: I don't know if you're still referring to the question from the Canadian. I don't imagine so. With respect to the events of October 22, we acted in accordance with the security rules and the instructions of the law enforcement agencies. They did a wonderful and noteworthy job, and they helped save the lives of many of us and members of our staff. We were also locked down in one of the rooms, as were many members of our staff and the administrative personnel.

That said, the agencies acted appropriately, and as a result we are healthy and here today in this chamber, able to move forward with the legislative agenda and protect the democratic rights and freedoms of all Canadians.

[*English*]

Hon. James S. Cowan (Leader of the Opposition): Senator Moore referred to the Five Eyes, which, as you know, is an alliance of intelligence agencies with our partners across the world, the United States, the United Kingdom, Australia, New Zealand and Canada. Of those five countries, of those five democracies, only Canada does not have any kind of

proactive parliamentary oversight. When that point was debated the other day in the House of Commons, your colleague Ryan Leef, a member of Parliament, said we are different. How are we different?

[*Translation*]

Senator Carignan: We are different because we have a committee made up of eminent Canadians who oversee our security services.

[*English*]

Senator Cowan: How is it that Canada is different from those four other partner democracies?

[*Translation*]

Senator Carignan: As you know, legislating involves making choices. Under Canadian law, a committee made up of eminent Canadians oversees our security services. We have full confidence in their ability to conduct impartial assessments of the actions taken by our security services to protect Canadians. If you want to amend the law or introduce an amending bill, you can do so, as Senator Segal did, and we can debate it.

[*English*]

Senator Cowan: My question was how is Canada different. You say Canada has chosen to have this body of eminent Canadians, a body which, as Senator Moore pointed out, you don't think highly enough of to fully populate. You have only three out of five members. If this is such an important body, why have you not filled up the complement of that agency?

What policy considerations does your government take into account in deciding that that vehicle is a better vehicle than the parliamentary oversight vehicle which has been chosen by the other four members of the Five Eyes?

[*Translation*]

Senator Carignan: I was not here when the law was passed, but if you were to consult other parliaments, perhaps you would find that Canada is the only legislature with the solution. Perhaps they should draw inspiration from us and improve their systems.

[*English*]

Hon. Grant Mitchell: There are actually at least nine separate groups within this government that have something to do with the intelligence community, and they span at least five separate departments and at least two separate agencies.

We are talking about a very complex process here and lots of opportunities for things to fall between the cracks, lots of opportunities for variations in policy, philosophy, and theory of approach to intelligence.

Wouldn't that complexity, in and of itself, speak for a parliamentary oversight body that could bring this together, give it focus, make sure that things don't fall through the cracks and make sure that resources are used in the most effective and coordinated fashion?

[*Translation*]

Senator Carignan: I want to reiterate that we have a committee of eminent Canadians who oversee our security services. We have full confidence that their assessments are impartial. As I said earlier, in his report, Commissioner Plouffe concluded that CSEC continues to act within the law.

I would like to point out that in his annual report, he said the following, and I quote:

> I am concerned that commentators are raising fears that are based, not on fact, but rather, on partial and sometimes incorrect information regarding certain CSEC activities.

The current bodies are doing their job impartially, and that is the best way to continue to oversee our security services.

[*English*]

Senator Mitchell: When the Leader of the Government continually makes the case that somehow Canada has to be different from every major ally in the world in this respect, I'm reminded of the mother who is watching the soldiers march past her and asks, "Why is everybody out of step but my Johnny?"

Given that the case is obvious and so powerful, the case for coordination, the case for consistency with our allies and ensuring we don't have things fall between the cracks, the case for managing the complexity, the case for dealing with actually responding to the interests of Canadians who want to see this done, what is it that this government is afraid of that they don't want to have the intelligence community in this country adequately and properly supervised by an all-party committee of this Parliament?

[*Translation*]

Senator Carignan: Senator, I have the utmost respect for you and I don't want to take anything away from what you are saying, but the committee is currently made up of eminent Canadians who ensure that the organizations' activities comply with the law. We have full confidence in the work they are doing.

• (1450)

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Eminent Canadians like Arthur Porter.

Honourable senators, listening to the leader's repeated resistance to any suggestion that we might find it useful to abide by the same principles as our democratic partners in this area, and bearing in mind Mr. Leef's comment, which my leader repeated, "We're different," I'm reminded of a philosophy we

hear more often in the United States, for which the convenient name is "exceptionalism." You hear this often in American politics. Americans have to believe that they are exceptional and exceptionalism must be the guiding principle.

A very imminent American thinker, mainstream, not radically extreme on either side of the political divide, once explained to me that exceptionalism means, "The normal rules do not apply to me because I am exceptional." That, leader, is what I think I hear you saying. The normal rules — the normal principles that every democratic partner we have in this area has found essential to follow — don't apply to Canada, for some miraculous reason. I still do not understand why you think we're so different.

[*Translation*]

Senator Carignan: Senator, the Senate of Canada is the only unelected senate in the world. Are you saying it should be elected?

[*English*]

Senator Cowan: You tried that. It didn't work. There's a little thing called the Constitution. You should tell Mr. Harper about that.

Senator Fraser: That was not my question. You really are studying at the feet of Mr. Calandra, leader. I guess you're turning into a pretty good pupil of Mr. Calandra.

As an aside, I suppose that if we were to be designing a parliament from scratch today, it would not look exactly like the parliament that was designed for us by the Fathers of Confederation, but I think the Senate has served, when it has been allowed to do so, and can continue to serve the people of Canada quite well. You still haven't answered my question. What makes us so different?

[*Translation*]

Senator Carignan: As I said, senator, the parliamentarians who were in office when the law created the centres or bodies that oversee the security agencies at the RCMP level decided that it would be best for the committee to be made up of eminent Canadians who oversee the security services. We have full confidence in their ability to conduct impartial assessments of the actions taken by the security services.

As they say, if it ain't broke, don't fix it.

[*English*]

Senator Fraser: I think this is the first time I have ever heard the leader allege that a previous government did something right. My own view is that while a previous government did many things right, it wasn't perfect, and nor is the system we now have.

For the last time, why are you so resistant to a system that serves our democratic partners so well? Are you saying that somehow our democracy is more perfect than the democracy in the Five Eyes countries, with which we are partners?

[*Translation*]

Senator Carignan: Now you want to take your cue from the Americans. Usually you tell us that we follow in their footsteps too often. We agree that Canadian intelligence and security organizations should be subject to a stringent oversight mechanism, but that mechanism exists, it works and there is no reason to change it.

[*English*]

ORDERS OF THE DAY

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TRADE-MARKS ACT

BILL TO AMEND—CORRESPONDENCE FROM COMMONS TABLED

The Hon. the Speaker: Honourable senators, I have often heard people observe that if you sit at the side of the banks of a river long enough, you'll see everything pass by. I once again find myself saying that "passing by" is a very elegant argument that speaks to the wisdom of our founders, the Fathers of Confederation, in conceptualizing a bicameral parliament. Among the things a bicameral parliament yields is greater scrutiny of legislation. Two houses looking at legislation has time and time again proven itself in the Canadian context.

I have received correspondence from the Speaker of the House of Commons relating to Bill C-8. Copies of this correspondence are being distributed, but I would ask for leave to table the correspondence. With this correspondence, I also received a new parchment of Bill C-8.

First, may I have the permission of the house to table the correspondence?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, as I mentioned, a new parchment of Bill C-8 was attached. You will recall that, on October 2, we gave first reading to Bill C-8. The Senate has commenced second reading debate. That debate has only commenced, the decision taken to move forward after first reading of the bill, a pro forma act. No decision has been taken on the principle of the bill that is before us on debate at second reading.

The change between the original Bill C-8 and this new one might be found to be minor, involving renumbering of clauses to ensure coherence between laws if the bill eventually receives Royal Assent. Nothing can, however, be done with this new version of Bill C-8 unless the Senate decides to set aside proceedings to date on the version that we received and gave first reading to.

I would invite counsel from all honourable senators to consider the issue in light of the documents provided. Honourable senators, I would like to hear from you. I would not be

comfortable in reading the message anew unless our Order Paper has expunged the original order. We cannot have two versions of Bill C-8 before us. I seek your advice.

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, I thank you for bringing these pieces of correspondence to our attention. Frankly, it's happening too often — once is too much; twice is really too much — that things come to us in imperfect form from the House of Commons.

The matter is, in fact, comparatively complex. I would strongly suggest that before we move to solve the difficulties, we take a day, take the night, for all of us to read the documents from the House of Commons and consider carefully what would be the appropriate way to go.

I have to agree with you that we can't have two versions of the same bill before us, but how are we going to get from here to there? I would suggest that perhaps the night may bring good counsel.

[*Translation*]

Hon. Dennis Dawson: Honourable senators, the French version of the letter from the Speaker of the House of Commons mentions the parchment version of the bill whereas the English version states:

• (1500)

[*English*]

"Along with an alternate parchment version of the bill." Why are there two different versions of the same document? Wouldn't it be easier to say they made a mistake and they're sending us the bill as revised?

Hon. Yonah Martin (Deputy Leader of the Government): Thank you for sharing these letters with us today. I agree with Senator Fraser that taking a day to reflect on what you've said, what's in these letters, and how best to go forward from here is a very good suggestion. I wish to support what Senator Fraser has said and take a day to make that decision.

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Denise Batters moved third reading of Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in *Attorney General of Canada v. Bedford* and to make consequential amendments to other Acts.

She said: Honourable senators, I am very pleased to speak in this third reading debate in support of Bill C-36, the Protection of Communities and Exploited Persons Bill.

Bill C-36 was studied by the House of Commons Standing Committee on Justice and Human Rights in July 2014 and pre-studied by the Standing Senate Committee on Legal and Constitutional Affairs in September 2014, and our committee just finished an additional two days of study after second reading.

This bill is well on its way toward enactment before the expiry of the Supreme Court of Canada's one-year suspension of its December 20, 2013, *Bedford* decision, which would otherwise result in decriminalization of most adult prostitution-related activities in Canada. Bill C-36 responds directly to the safety concerns raised in the *Bedford* case. It offers the ability for prostitutes to hire security and work in fixed locations, and it allows the sellers of sex to negotiate except in very limited circumstances, a provision that exists to protect our children and communities.

At the same time, one of the objectives of the legislation is to significantly decrease and ultimately work toward the abolition of the demand for sexual services, because that is the only real way to guarantee the safety of the vulnerable in prostitution, an inherently risky activity. To legalize or decriminalize prostitution would drive up demand for sexual services, and that would mean an increase in the trafficking of vulnerable populations to satisfy the demand.

Therefore, Bill C-36 respects the need for increased safety for prostitutes, as identified in *Bedford*, while recognizing that prostitution is an affront to equality rights and the safety of our communities as a whole.

As such, Bill C-36 uses a model of asymmetrical criminalization. For the first time, this bill will make the prostitution transaction criminal. It will criminalize the purchasers of sex while providing immunity from prosecution in almost all cases for those who sell sex. The only exception for this immunity, of course, will be where the prostitution transaction impedes on the right to protection from harm of our most vulnerable citizens, children.

We have seen asymmetrical criminalization used for other offences under Canada's Criminal Code, most notably for the offence of child prostitution and for charging a criminal rate of interest. In both cases, one side of the criminal transaction is recognized as exploited and therefore not prosecuted for their role in the commission of the crime, while the perpetrator of the crime is rightfully held responsible.

Bill C-36 places Canada among other like-minded jurisdictions that have taken or are considering taking an approach that treats prostitution as a form of sexual exploitation that targets the vulnerable, primarily women and girls, including those disadvantaged by socio-economic factors such as youth, poverty, drug addiction or a history of abuse.

Such an approach aspires to abolish prostitution as a harmful, gendered practice. It has been garnering widespread international support, and not just in those countries that have implemented it. For example, a March 20, 2014, all-party Parliamentary report in the United Kingdom recommended the implementation of a version of this approach, and both the Council of Europe and the European Parliament have endorsed it. This is not just because the approach has been effective in achieving its objectives. It is also because it avoids the negative effects of the alternative: decriminalization or legalization.

Research shows that decriminalization and legalization lead to growth of the sex industry. Demand increases in a decriminalized or legalized regime, as does the supply required to meet that

demand, which is disproportionately drawn from vulnerable populations. The result is an increase in the exploitation of vulnerable groups. One important fact remains: Facilitating prostitution for those who claim to freely choose it results in a greater number of those who do not freely choose it being subjected to prostitution. This is what would happen in Canada if we were to fail to respond to the *Bedford* decision.

We must not forget that we share a border with one of the world's most populous countries, the United States, in which all aspects of prostitution are criminalized in all but one state. If Canada were to decriminalize prostitution, the demand for sexual services would not come from Canada alone. There would be huge demand from the United States.

Research also shows that decriminalization and legalization are linked to higher rates of human trafficking for sexual exploitation. There is significant profit to be made from prostituting the disempowered, who are so often unable to enforce their rights. And the unscrupulous stop at nothing to maximize their profits. They may tout themselves as a helper or legitimate bodyguard, but it is in their economic interest to encourage and even coerce the prostitution of those they claim to protect. That is another reason why a regime that treats sex work as a legitimate profession results in higher rates of exploitative conduct. Exploiters can hide behind a veneer of legitimacy. That is why in Bill C-36 we have addressed the safety concern raised in the *Bedford* case by allowing prostitutes to hire third parties for their protection, but we will criminalize any third parties who benefit materially from the exploitation of a prostitute.

Bill C-36 gives law enforcement the tools it needs to interrupt the exploitative relationship between a prostitute and a pimp.

During his testimony before this committee, Canadian Police Association head Tom Stamatakis told us that police need the authority to insert themselves into an exploitative situation in order to determine if an individual is being trafficked and to intervene accordingly. In the Canadian Women's Foundation round-table discussions of individuals trafficked for sex, one participant said:

> If I had a police officer come into my hotel room who could talk to me, and could tell me there is a way out and we'll help you . . . . If there was a police officer with a formerly trafficked woman — I could trust them and I would go in a heartbeat.

The Hon. the Speaker *pro tempore***:** While colleagues are speaking, please don't cross the line between the speaker and the chair, please.

Senator Batters: Another said:

> If police said no to men buying sex, we wouldn't have been such easy prey. Men know where groups homes are, where the malls are, and know what a vulnerable girl looks like.

So which prostitutes are vulnerable? The two committees that have studied Bill C-36 heard from some individuals who say that they choose sex work as their profession and that they should not be prevented from earning a living in the manner of their choosing. A very vocal minority of prostitutes may well feel that way about their participation in the sex trade, but that is the point, honourable senators: They are the vocal minority. This legislation has been created to assist the vulnerable in the sex trade, those prostitutes and trafficked individuals who do not have a voice and who don't have options.

Decriminalization or legalization is not better for so many implicated in the prostitution industry, including the communities in which it is practised and society at large. Prostitution is often accompanied by other unsavoury and dangerous criminal activity. We need to reflect on that and what that means for our communities. Drug activity, organized crime, violence, all of these coexist with prostitution. How does that affect our society? Furthermore, what kind of message does that send to our young people if we, as a society, condone this kind of activity?

We heard from witnesses at committee who spoke of being lured into the sex trade, often as minors, by other prostitutes or by friends and boyfriends who made it seem lucrative and appealing. Many prostitutes enter the trade at the age of 13 or 14.

• (1510)

Honourable senators, we have a responsibility to keep prostitution from luring our youngest, most vulnerable citizens, and we can't do that if prostitution is on their back doorstep, in the places they play and go to school. That is why we have modified the communication provision of this bill to apply only to the sellers of sex at or near a playground, daycare or school, and that is why we have doubled the penalties for the johns purchasing sex in those venues because we cannot tolerate this in the faces of our kids. The nuisance of drug paraphernalia littered around schoolyards or playgrounds isn't even the major concern, honourable senators. We simply cannot risk losing more children to this sex industry that devastates and dehumanizes them.

Our honourable colleague Senator Jaffer has raised the argument that part of our purpose as senators is to protect the rights of minorities, and, therefore, we should be protecting the rights of the minority of prostitutes who freely choose to be in the industry. We could do that, honourable senators, but at what cost? Those prostitutes who freely choose to be in the industry, who have never been coerced or abused, who choose prostitution as a career simply because, among other things, they like the flexible hours, as Edward Herold recently told our committee, these are not the people we as legislators most need to protect. Instead, we have a duty to protect our society's most vulnerable citizens, those who are children, those who are abused, those who have neither the privilege of a choice or a voice. All agree that those subjected to prostitution disproportionately come from marginalized backgrounds, and all agree that high levels of violence and trauma are associated with involvement in prostitution. The disagreement lies in how the law should address these serious concerns. So why does Bill C-36 reject decriminalization in favour of an approach that treats prostitution as a form of sexual exploitation?

The research on jurisdictions that have decriminalized or legalized prostitution provides one answer to this question. As I have already outlined, decriminalization is linked to growth in the

sex industry and higher rates of human trafficking for sexual exploitation. That means an increase in vulnerable people being drawn into prostitution, an increase in abuse of those in positions of vulnerability and an increase in use of coercive practices to draw the vulnerable in and keep them in, and at the end of that continuum of exploitative conduct, an increase in human trafficking.

Bill C-36 would prevent the harmful effects of decriminalization. Those individuals who claim to freely choose prostitution also say that they don't need its proposed prostitution offences, that offences like human trafficking, forcible confinement, assault and sexual assault provide them with sufficient protection against abuse while involved in a trade that is well known for that abuse. That may be so for those who have some control over the sale of their own sexual services, but, honourable senators, what about for those who don't?

We have heard arguments that we shouldn't be criminalizing johns, the purchasers of sex, that for the most part these are just nice lonely guys who can't get a date, whether for reasons of disability, social factors or general misfortune. I'm sorry, honourable senators, but just because a man finds it difficult to find a sexual partner does not make purchasing another human being acceptable. In the words of former prostitute Larissa Crack: "A man's right to purchase sex ends with my right not to be exploited."

Men do not have the right to purchase women, and, of course, the inverse is also true. We as a society should not allow a price to be placed on another human being, period, even if that other person seemingly consents. Given the inequalities that too often exist in the prostitution transaction — issues of poverty, desperation, addiction, violence, abuse history — we cannot accept across the board that the act of prostitution is always fully consensual. Again, for a small minority working in the sex trade, it may be, but that is certainly not the case for the vast majority of prostitutes, whether they work on the street or indoors. Let me stress that point. Much of the discussion around the *Bedford* judgment assumes that prostitution that is indoors is safe. It might be safer on the whole, honourable senators, but it is not safe.

The Canadian Women's Foundation has written:

> Sex trafficking is connected to prostitution. Trafficked women and girls are forced into prostitution often in the same locations such as massage parlours, escort agencies and strip clubs and are advertised in the same publications by their traffickers.

The line between those who choose prostitution of their own free will and those who are subjected to it by force or by desperation is largely academic. The reality of prostitution is that prostitutes, trafficked or not, are often sold largely in the same places to the same clients. I don't think we can rely on johns, the clientele, to care a whole lot about who is trafficked and who is not, because that is the essence of prostitution. Money is exchanged for an intimate encounter, which really isn't intimate at all. Johns don't have to ask any deeper questions about a prostitute's background, her life, her motivation, or even whether or not she really freely consents. It's true, some johns, a minority, may form a relationship of some sort with the prostitutes they buy, but let's not forget, if it were a genuine relationship, no money would need to be exchanged in order for it to continue. Whether or not a john is a nice guy, the law still applies equally to him. As one of the former prostitutes who appeared before our committee put it: "This is how we truly keep prostitute women safe. We do not allow men to buy them."

There are many reasons why Bill C-36 says no to decriminalization and why it says no to prostitution. Put simply, there are too many risks associated with this practice. A burgeoning sex industry means an increase in vulnerable persons selling their own sexual services because of lack of meaningful options or through force, a corresponding increase in the violence and trauma caused by subjection to prostitution, an increase in organized crime such as drug-related offences and human trafficking, and the normalization of a gendered practice that implicates the equality rights of those vulnerable groups so at risk of subjection to it.

We know from the witnesses we heard at our committee hearings that many do not choose prostitution; many are subjected to it, either by force, meted out by those who profit from this trade or because of seriously constrained options from which to choose. Should we afford this vulnerable group the law's protection only once someone has committed a violent offence against them? How do we ensure that they are sufficiently empowered to report such abuse when it occurs? The fear of reprisal from exploitative third parties too often keeps the exploited silent. They are afraid and understandably so. Exploiters have an obvious incentive to keep the vulnerable in prostitution and many do so through horrific forms of abuse. How do we stop this trajectory?

The answer is simple. We say no to prostitution by targeting those who fuel the demand for it and those who profit from the trade. That is what Bill C-36 does. It prioritizes those who do not choose prostitution. Prostitution trades in the vulnerable, so Bill C-36 targets those who gain from sexual exploitation, both the consumers who take advantage of their own gratification and the predators who capitalize from another's vulnerability. It protects the safety of those prostitutes who are exploited by allowing them to hire protection and work from a fixed location, while largely freeing them from the threat of criminal prosecution. This legislation also provides $20 million in funding to help prostitutes transition out of the sex industry.

Furthermore, Bill C-36 gives law enforcement the tools required to intervene before any member of that vulnerable group is assaulted, sexually assaulted, forcibly confined or trafficked. Bill C-36 helps law enforcement prevent the more serious crimes associated with prostitution from happening in the first place.

Finally, the paradigm shift set forth in Bill C-36 protects our communities and especially our children to resist the normalization of a practice that aims to lure especially the young and the vulnerable into the most grievous trade of sexual exploitation.

Bill C-36 sends a strong, empowering message that we are all deserving of dignity, equality and respect. The law should not allow the powerful to use and abuse the less powerful. The human body should not be a commodity to be bought and sold.

I ask you, honourable senators, to stand with me, to stand for equality, for our communities, and most importantly for the protection of our most vulnerable. Colleagues, please join me in support of Bill C-36.

Some Hon. Senators: Hear, hear.

Hon. Anne C. Cools: Honourable senators, I have a question. I was listening with considerable care. I wonder if Senator Batters could clarify her wording for me. I understood her to use the term "purchasing women" as distinct from "purchasing services." In the process of her explanation, I wonder if she could give me a definition of a sexual service and if she could tell me who the sexual servant is.

• (1520)

Senator Batters: Of course this applies not just to women, but the reason I talked about women is because it is overwhelmingly women who are the sellers of sexual services and overwhelmingly men who are the purchasers of sexual services from women. As far as a definition, I don't think there is a definition.

Senator Cools: I want to know how the statute defines "sexual services."

Senator Batters: I'm not sure if there is such a definition in this particular statute, but I could get back to the honourable senator, if she wishes.

Hon. Mobina S. B. Jaffer: I also have a question, if I may, of Senator Batters. May I ask you a question, Senator Batters?

Senator Batters: Yes.

Senator Jaffer: Senator Batters, I have really respected the work you've done on this bill, and I genuinely believe that you believe in every word you stated. But the concern I have — and you know that you and I agree on almost everything except this part — is this: Do you believe that sex workers are not entitled to rights? Should they not have the same right to be protected as every other woman in Canada?

Senator Batters: I think that's why, in large part, Bill C-36 spends considerable effort to take care of all of the different concerns raised by the Supreme Court of Canada in the *Bedford* decision, to provide women and people who are in the prostitution industry various forms of protection. I think that is the situation.

If I read the *Bedford* decision and did not believe this particular bill was responding to it, I would not have the same level of support that I do for this bill.

[Senator Batters]

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today also to speak on Bill C-36. During my second reading speech, I outlined what troubles me most about the bill. I reminded you that this bill is not about human trafficking, nor is it about underage prostitution; it is about finding a way to protect those who choose sex work. Consensual adult sex workers will not be safe under this bill as it currently stands.

Honourable senators, I have, as you have, heard from many people on both sides of this issue, and one letter that really struck me was from Taryn Onody. She's one of those women who will be affected by this legislation. So that there is no confusion about who we are talking about, she shared her story with me and has been so kind and generous as to allow me to share her story with you today. I will only share part of the story that she sent to me:

> I started in the adult industry when I was 21 years of age. I grew up in the suburbs of Toronto. I am a practicing Catholic. My parents are upper middle class. My siblings are tax-paying, working citizens.
>
> I come from a wonderful home, wonderful people and a great upbringing. I was an overachieving student with accelerated grades and hold multiple post-secondary diplomas/degrees. I am the girl next door.
>
> I started looking into sex work when I became bored with my corporate job, which I held for five years. I felt bored, trapped and craving something more in my life's experience. I found a small ad for a massage parlour. My interview was with a female who was also employed there. She was kind, sweet and a regular girl like me. I worked for this company for six years.

Taryn continues:

[*Translation*]

> My experiences within my position in the adult industry were vast. Shocking. But, not at all how Bill C-36 paints it.
>
> I worked with a group of very ambitious women. Women who taught me how to work hard, master the trade, become a stronger, smarter woman, and save my money. I was fortunate to work with women who helped each other, worked together as a team, and presented fantastic examples of what advantages the income of this business could provide.

[*English*]

> I am a living, breathing, law-abiding citizen who is an example of how the adult industry can be a success. Be it a stepping stone to bigger dreams, a joy of all things sensual or a lifelong journey, I firmly believe that there are ways for the Canadian government to actually make history with a brand new approach.

Taryn then went on to describe a hypothetical situation:

[*Translation*]

> If I had a daughter and she wanted to work in the adult industry, I would want her to be happy, successful, healthy, safe, and secure. These are the same things I would want if she wanted to be a nurse or professor or electrician. I'd want to know where she works. I'd want to know it was legal. Licensed. Clean. That her health and safety came first. That her boss was kind and flexible. A little understanding goes many miles in sex work. I'd want her to work with security personnel or measures.

[*English*]

> I would want her clients to be kind, generous and helpful, healthy customers, respectful. Imagine the ability to formally screen customers. That could change the lives of hundreds of sex workers. Getting the message across fast about a problem or issue, and equally about a wonderful customer, is critical to building a base of safe clientele.
>
> Criminalizing all customers is outrageously unfair, biased, judgmental and unconstitutional. I'd want her to have access to health care specific to sex work. I'd want those clinics well-funded and to have plenty of resources to supply excellent health care and safe sex education.

[*Translation*]

> I'd want her to have access to legal help if she felt it was needed. And full available police services if she ever felt unsafe or harmed. I'd want to see my daughter financially sound. Responsible. Fiscally secure. Reasonable things for any parent to want, no?

[*English*]

> I'd want my daughter to be free of stigma. Stigma is the sex industry's biggest problem. I'd want any man anywhere in the country punished for violence, trafficking, rape, robbery, regardless if that crime happened in a strip club or a nightclub.

[*Translation*]

Taryn then goes on to suggest:

> Why not invent a new system. A Canadian system. The country most known for acceptance and diversity in the world could design a functional non-judgmental approach, perhaps?

[*English*]

> Maybe your daughter never chose to be a sex worker, but maybe she already has. The truth is, you would never know. She would hide it at all costs because of stigma. The fact of the matter is that this bill affects many more lives than you, or even I, would ever know.

That part of Taryn's story that really struck me. She concluded by saying:

> We are all someone's daughter or son. We all deserve rights, freedom and safety.

Honourable senators, I read to you Taryn's story, and I would not be sincere if I said to you that I agree with her point of view entirely, because I have had a different experience; I've walked a different path. But I believe, as I have said to you many times in this chamber, it is not for us to decide whose rights we will protect. This is a chamber of sober second thought, a chamber that was specifically created to protect rights of minorities.

• (1530)

I do not believe that we have a right to say we will protect the rights of people who look like us, who have the same values as us, who think like us, who are part of our group. As senators, we have to rise beyond that. We have to protect rights of every Canadian.

Honourable senators, we know this is not a bill about trafficking. Do not confuse this bill with trafficking. Two trafficking bills already exist in our country, and last week we debated yet another trafficking bill. This bill is not about trafficking. This bill is not about exploitation. This bill is about prostitution. When we mix things up with trafficking and exploitation and prostitution and rights of sex workers, we confuse the issue.

I would like to share with you the very cogent analysis done by Leo Russomanno, a criminal lawyer who works at the firm of Webber Schroeder Goldstein Abergel in Ottawa who appeared before us during the pre-study of this bill. He speaks and he has written to me about the constitutionality of this bill, and I quote him:

> Bill C-36 is supposed to be about protecting the vulnerable and complying with the *Charter of Rights and Freedoms*. It achieves neither of these goals. The purposes as set out in the preamble are almost entirely divorced from what the actual legislation is likely to achieve. It is as though the government failed to appreciate the magnitude of the Supreme Court's findings in *Bedford*.

The Supreme Court found all three previous prostitution provisions unconstitutional. It is important to note that during the application the court received a massive amount of evidence which unequivocally stated that sex workers engaging in street-level prostitution were at a decidedly greater risk of physical harm than those working indoors. Sex workers were also at a greater risk if they did not screen clients, either through communicating with a prospective client or through a receptionist. Logically, sex workers who could afford bodyguards and drivers were less exposed to physical harm. Therefore, based on the evidentiary record, the Supreme Court of Canada found that the impugned provisions did indeed deprive sex workers of security of the person. Ultimately, the court found that the deprivations were not in accordance with the principles of fundamental justice.

The "principles of fundamental justice" is language from section 7 of the Charter, which is subject to a rich jurisprudential treatment.

Any section 7 case analysis begins with determining whether there is deprivation of life, liberty or security of the person. If such deprivation exists, the task is to identify whether the deprivation is carried out in violation of a principle of fundamental justice.

[*Translation*]

In *Bedford*, the Supreme Court analyzed three such principles which had been developed in the case law: arbitrariness, overbreadth and gross disproportionality. Each of these principles seeks to juxtapose the legislative objective of the Criminal Code provision with the effects of the prohibition.

[*English*]

Bill C-36 suffers from a disconnect between its purposes and likely effects. The preamble of Bill C-36 states that the purpose of the legislation is to protect sex workers from "the exploitation that is inherent in prostitution," and "the social harm caused by the objectification of the human body and the commodification of sexual activity" and to "protect human dignity and the equality of all Canadians by discouraging prostitution."

Honourable senators, the goal to eradicate sex work is supposed to be achieved by criminalizing demand. The focus on demand is intended to protect sex workers. However, this is wrong thinking because by criminalizing their clientele and dissuading them from working in demarcated indoor spaces, this bill enhances the risks faced by sex workers.

[*Translation*]

The communication provisions pose a similar, albeit more obvious problem. The government's insistence on criminalizing communication is entirely unresponsive to the Supreme Court's *Bedford* decision and flies in the face of a massive evidentiary record establishing that sex workers communicate in public in order to manage the risk of physical harm.

[*English*]

Bill C-36 criminalizes any transaction that offers sexual services with the caveat that the seller would be immune from prosecution. The fundamental flaw of this asymmetric approach is that it will discourage the purchasers of sexual services from going to safer indoor locations where they may be arrested. It would be the most basic act of self-preservation for a purchaser to avoid the indoor location in favour of an unknown and secluded one.

The law, as did the previous legislation, will contribute to the risks faced by sex workers by forcing them where the money is and away from police attention — in the dark corners of society and out of view.

[*Translation*]

Given the two main changes brought about by Bill C-36 — the criminalization of the purchase of sex and the loftier legislative objectives — the recent *Insite* decision of the Supreme Court may be illustrative.

This decision suggests that a law may be arbitrary and therefore contravene section 7 where it "bears no relation to, or is inconsistent with, the state interest that lies behind the legislation."

[*English*]

In *Insite*, the court was faced with an overwhelming evidentiary record suggesting that the safe injection site in Vancouver was protecting addicts, accomplishing the very goals the impugned legislation sought to achieve. A similar argument could be made with respect to Bill C-36. The legislation aims to protect sex workers from the risks of violence and to encourage them to report incidents of violence.

[*Translation*]

By driving sex workers out of view and preventing them from taking protective measures, this legislation will achieve precisely the opposite. While Bill C-36 purports to curb profiteering and commercialization of prostitution, it fails to address the harsh reality that prostitution is an aspect of society that is not easily erased.

[*English*]

It would be naive of Parliament to assume that resorting to the blunt use of criminal law will instigate the eradication of sex work. What then if we are not to rely on this aspirational purpose? The Supreme Court made it clear in *Bedford* that the government action cannot contribute to the harm.

[*Translation*]

We must therefore ask ourselves whether this legislation further contributes to the potential security of those at risk, of those it aims to protect. It is likely that this legislation is unconstitutional because it arbitrarily and disproportionately contributes to the harm faced by sex workers.

[*English*]

The government has chosen the broad sword over the scalpel and has utterly failed to pay heed to the suggestions of the Supreme Court. Mr. Russomanno's comments were further supported last week when Professor Edward Herold from the University of Guelph stated in a brief he submitted:

> [All groups] agree that criminal laws are needed to deal with forced prostitution such as trafficking and juvenile prostitution. However, there are strong disagreements regarding the issue of adult prostitution.

He went on to support this claim with the opinions of Canadians. In an extensive review done in 2012, John Lowman and Christine Louie concluded that recent Canadian public opinion surveys do not support the views of the justice minister regarding Bill C-36.

• (1540)

While most believe that street prostitutes should be prohibited and 96 per cent agree that the purchase of sex from a person under the age of 18 should be illegal, most Canadians do not believe that consensual adult prostitution should be illegal.

Honourable senators, I encourage you to consider these words. At the very least, we should listen to the vast majority of witnesses who appeared before the House Justice Committee deliberations, the Senate pre-study and last week's committee meetings. They said that whether they supported the bill or not, any clause that criminalizes the sex worker in any way should be removed.

Honourable senators, I believe we all have our biases and personal value systems, and we consider the rights of all citizens. I have learned from spending time with sex workers all summer that when it comes to our fundamental rights, we must put aside our different value systems and ensure the rights of all Canadians.

I have taken this matter seriously, perhaps too seriously. All bills are serious to us, but I have worked all my life on this issue. As I said to you last week, I was in Calcutta dealing with the issue of trafficking. While there, church groups from Australia, Canada and New Zealand were also there recruiting women out of prostitution. They spend a lot of time bringing women out of prostitution. The first thing they did, which really impressed me, was to provide food for the children. Second, they provide good daycare for the women's children. Third, they provide good housing for the women. Fourth, they give the women a skill. In this particular case, they taught them sewing and had them work in factories. The women started earning a decent living.

I listened to the minister, and I can stand here and genuinely say that I believed he was sincere about his wish to eradicate prostitution. No one in this room disagrees with him. As with everything we do in this world, things do not disappear with wishes. The minister has declared that he will set aside $4 million a year to deal with this problem.

Honestly, saying that he wants to eradicate prostitution and then giving $4 million a year to do so is not being serious. I'm not saying this, but when the former Minister of Justice of Manitoba was in front of our committee, he said that $4 million was not enough. He was mostly in support of this bill, but he said that $4 million is not enough. Manitoba alone spends $8 million a year on this problem. The minister said, if the $4 million is per capita across the country, then Manitoba will receive only $200,000.

Honourable senators, I said this last week and I will say it again: If we are serious about dealing with a problem, just passing a law will not do it. We have to provide resources. When the Minister of Justice says that he wants to eradicate prostitution, I say that I do as well. Everyone in this room wants to do that. Sex work is allowed to continue to exist under this bill and, if it's allowed to exist under this bill, honourable senators, then I honestly believe we need to protect the sex workers. When they are consenting adults participating in this, we need to protect them.

Even when we eradicate trafficking, a goal I'm firmly committed to, there will still be consenting adults engaging in sexual acts for money. We have a duty to protect all our citizens. If we truly want to do that, we need to remove the possible criminalization of sex workers. There is much room for improvement in the bill, but this is the most crucial weakness and it must be fixed before it does damage to our citizens. We cannot continue to criminalize the sex worker.

To this end, honourable senators, I propose one simple amendment: The complete removal of proposed section 213 of Bill C-36. As stated last week, based on the decision in *Bedford*, this section will not hold and, until it has the chance to be challenged again in court, it will be subject to the many harmful effects of this bill. This is my primary concern with this bill, and many others agree.

This proposed section has been addressed repeatedly by both supporters and explicit opponents of this bill as something that needs to be at minimum amended and ideally removed. Sex workers cannot be criminalized under any circumstances if we want to adequately protect them.

Honourable senators, we have a responsibility to protect these individuals, as made clear in the *Bedford* decision. The men and women who choose to be sex workers have made it clear that criminalizing the sex worker under any circumstance would do more harm than good. If the minister is serious about the protection of these women, he will agree to remove this proposed section.

[*Translation*]

The Minister of Justice himself has acknowledged that the government has a responsibility to the safety of those who choose to remain in the sex industry. Criminalizing sex workers, regardless of the circumstances of the transaction, will prevent us from fulfilling our responsibility to Canadians.

[*English*]

Honourable senators, let us do the job that we were sent to Ottawa to do. Join me in expanding our moral imaginations beyond our personal biases. Let us protect the Canadians we serve, every single one of them. I ask you to amend this bill.

MOTION IN AMENDMENT

Hon. Mobina S. B. Jaffer: Therefore, honourable senators, I move:

THAT Bill C-36 be not now read a third time, but that it be amended

(*a*) on page 7,

(i) in clause 14, by deleting lines 11 and 12 and the heading before line 13, and

(ii) in clause 15, by replacing lines 13 to 34 with the following:

"**15. Section 213 of the Act and the heading before it are repealed.**";

(*b*) on page 8, in clause 17, by replacing line 19 with the following:

"**(*a*) by striking out the reference to "212, 213,";**"; and

(*c*) on page 14, in clause 22, by replacing line 39 with the following:

"**(*a*) by striking out the reference to "212, 213,";**".

The Hon. the Speaker *pro tempore*: A copy of the amendment will be sent to the interpreters, and then we will proceed.

• (1550)

I interrupted the speech of Senator Batters. I thought it was the appropriate moment to relearn the rules of this chamber. I want everybody to understand that I'm here to have those rules respected. There is a very simple rule: No senator should cross the line between the senator who is speaking and the chair. There have been too many times that I have seen this happening, and I thought it was appropriate to remind everybody that we have a rule to be respected.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Thank you very much.

[*Translation*]

I will resume reading the amendment.

It is moved by Senator Jaffer, seconded by Senator Smith:

That Bill C-36 be not now read a third time, but that it be amended

(*a*) on page 7,

(i) in clause 14, by deleting lines 11 and 12 and the heading before line 13, and

(ii) in clause 15, by replacing lines 13 to 34 with the following:

"15. Section 213 of the Act and the heading before it are repealed.";

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"(*a*) by striking out the reference to "212, 213,";"; and

(*c*) on page 14, in clause 22, by replacing line 39 with the following:

"(*a*) by striking out the reference to "212, 213,";".

Is there debate on the proposed amendment?

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, I thank you for reminding us about the rule that none of us should cross between the person who is Speaker and the person who is speaking.

There is another rule to which I wish to refer: When the Speaker is standing, all other senators are to remain seated.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Senator Fraser, I thank you for reminding us of another interesting feature of our rules.

Thank you, colleagues, and I hope everybody will take good note of that.

Hon. George Baker: Honourable senators, I wish to place just a couple of words on the record.

I have to say, first of all, that Senator Batters has done an excellent job for the government on this particular piece of legislation. As well, Senator Runciman, the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, is to be commended for the very thorough job that he championed when this bill was before the Senate.

However, to provide some balance to the fact that this bill has passed the House of Commons, it is a government bill in response to a decision of the Supreme Court of Canada concerning constitutionality. It is an important piece of legislation.

The amendments that were proposed by Senator Jaffer involve only one thing, but they have consequential ramifications throughout the bill and the act. Of all the witnesses who appeared before the Senate committee that I can recall, and there must have been 60 witnesses, groups and so on, not one of them asked for the retention of this clause 213 that Senator Jaffer wishes to amend. In other words, there was unanimity among those who appeared. I also have to point out that the vast majority of those who appeared supported the bill but wished to remove this particular section.

Let me reference very briefly the situation that confronted us in the committee. The government brought in a bill that addressed each of the complaints of the Supreme Court of Canada. This bill allows somebody who offers their sexual services to be exempt from prosecution for many things. I will give you some examples. As the minister stated before the committee, the bill will allow now a person to offer their services in their home or in an apartment. It will allow them to hire a driver. It will allow them to hire a receptionist. It will allow them to advertise.

When you look at the bill, that is accomplished by the following words in proposed section 286.5:

286.5 (1) No person shall be prosecuted for

(*a*) an offence under section 286.2 if the benefit is derived from the provision of their own sexual services; or

(*b*) an offence under section 286.4 in relation to the advertisement of their own sexual services.

(2) No person shall be prosecuted for aiding, abetting, conspiring or attempting to commit an offence under any of sections 286.1 to 286.4 or being an accessory after the fact or

> counselling a person to be a party to such an offence, if the offence relates to the offering or provision of their own sexual services.

The government attempted to address each of the objections of the Supreme Court of Canada, but what is so confusing about the legislation, and it's not precedent-setting, is that the bill then goes on to say that nobody can advertise. The person who advertises the sexual services will be prosecuted. The person who promotes or assists in providing those services will be prosecuted.

• (1600)

So there's that confusion built into the bill, and an ordinary person would say, "Look, if you're going to outlaw it, outlaw it; if you're going to allow it, allow it." There's that confusion that's in the bill.

The previous speaker spoke about the constitutionality of the provision. The government has been very careful here because they put a preamble in the bill. Preambles in the criminal law are very rare.

I remember the preamble of the Youth Criminal Justice Act. The Speaker is nodding his head. That was one in which the Supreme Court of Canada, in judging the constitutionality of that provision, said there are three things the court will look at: the preamble, the content of the legislation and the speeches that are given.

As I've mentioned so many times before in this chamber, because I read case law on a daily basis, the Senate is quoted four times more than the House of Commons in court judgments in Canada. As for the reason for it, this is a very good illustration. It's at, I suppose, the end of the legislative process, but the government's intent in the legislation is spelled out in the speeches. Senator Batters spelled it out. The minister spelled it out before the committee. What was different between what the minister said in the House of Commons and before the House of Commons committee and what he said before the Senate committee? One huge difference. The minister said that, for the first time in Canadian history, the act of prostitution will be unlawful under this act. He didn't say that in the House of Commons. But that was the declaration.

If the Supreme Court of Canada were to deal with this new act as they dealt with the Youth Criminal Justice Act, which has a preamble — for the first time we have a preamble — the court will look at the preamble, and the preamble is very clear, as Senator Batters has pointed out and as the minister pointed out before the committee. I will just read a couple of words:

> Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it; . . .
>
> Whereas it is important to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution; . . .
>
> Whereas it is important to continue to denounce and prohibit the procurement of persons for the purpose of prostitution . . .

And so on. So the preamble is very clear. The person offering sexual services is seen as a victim. The Supreme Court of Canada would look at the preamble. It's fairly clear what the intention of Parliament is there.

Then the Supreme Court of Canada will look at the content of the legislation, as the lawyer, Mr. Russomanno, who was quoted a moment ago, said before the committee. There will be some confusion because, on the one hand, the person providing their sexual services is excluded from prosecution, from advertising, excluded from prosecution from receiving or promoting.

When you go to another section of the bill, the offending section of the bill that the previous speaker spoke about, section 213, you see these words:

> Everyone is guilty of an offence punishable on summary conviction who, in a public place or in any place open to public view, for the purpose of offering, providing or obtaining sexual services for consideration,

"Consideration" means money, and it is against the law to offer it.

Then there's a comma and, of course, when you go to the act, what's in the Criminal Code, you'll find that that pertains, as Senator Batters pointed out to me emphatically one day, to pedestrian traffic and motoring traffic. In other words, you cannot interfere with pedestrians for the purpose of offering; you can't interfere with traffic for the purpose of offering.

Then it goes on again:

> Everyone is guilty of an offence —

This is another reference to section 213.

> — punishable on summary conviction who communicates with any person — for the purpose of offering or providing sexual services for consideration — in a public place,

That was amended in the House of Commons to add "near a school or playground" or whatever.

So you see that great contradiction in the content of the bill.

Now, given the fact that all of our witnesses said that this section should be taken out of the bill, I can see why Senator Jaffer would propose those 15 amendments in the content of the bill that she has just proposed.

But in the final consideration, the preamble, the content and then the speeches made in Parliament, the Supreme Court of Canada is going to go to the speech made by the Minister of Justice before the Standing Senate Committee on Legal and Constitutional Affairs, and they will see the words repeated over and over: For the first time in Canadian history, the act of prostitution will be made illegal. The Supreme Court of Canada decision in *Bedford* repeated, several times, the act of prostitution is not illegal in Canada.

They will go to Senator Batters' speech here, as the Superior Court of Ontario went to Senator Wallace's speech when Senator Wallace introduced a government piece of legislation a couple of years ago. A portion of the judgment was done on Senator Wallace's speech, which was the intent of the legislation on the part of the government.

Honourable senators, in conclusion, let me say that I think the Senate has done a marvellous job on this bill, that the Supreme Court of Canada will be seized with the matter down the road, and that I will be supporting the amendments put forward by Senator Jaffer on behalf of all those witnesses we heard from. Thank you.

Hon. Serge Joyal: Senator Baker, you elaborated on the section of the bill that allows a person who offers sexual services to operate on his or her own and not be the object of prosecution.

Were you not surprised when we heard Ms. Levman from the Justice Department on our conclusion of the study of the bill when, in fact, she mentioned that a cooperative form of offering sexual services would be allowed under the context of Bill C-36?

Could you tell us what your understanding is of the fact that you can operate a "cooperative" because there would not be a third party profiting from the benefit of the offering of sexual services, but, in fact, as in any cooperative, the benefit would be shared among the members of the cooperative? Could you elaborate on that?

Senator Baker: Yes, Mr. Speaker. Senator Joyal is absolutely correct on what the committee was told by the representative of the Department of Justice. It's one of those things that, when you look at legislation that's passed in this manner, is very specific and particularized in its application. We learned during an examination of the bill that here is something that is not covered by the legislation and would not be included in the application of the enactment, and perhaps there are other arrangements that could be made that are not covered by this legislation.

With respect to the Department of Justice in saying that to the committee, how many judgments have we seen in which the Department of Justice is quoted in court judgments of statements made before Legal and Constitutional Affairs and the Standing Senate Committee on Banking?

• (1610)

We see it over and over where officials are taken as being the opinion of the government as far as the extent of the application of the legislation is concerned. I was surprised when that was mentioned, but it's certainly something that's going to arise in case law.

Senator Joyal: Honourable senators, this is a very emotional issue because each one of us has a personal position in relation to the morality or immorality of prostitution, about the legality or non-legality of the prostitution. Prostitution, which has existed since time immemorial, is something that has been there and will continue to be there, but we certainly hope not in the context that we often see it represented or reported in the media with exploitation of persons under the age of 18, persons coerced to offer their sexual services because they are drug addicted or under the control of pimps or johns, or because they have been trafficked by a street gang, mafia or other criminal network. We all have a personal reaction to that, and it is certainly one of those issues whereby you have to pause and think about the implications it has for society as a whole.

My first comment would be to underline for those of you who didn't have the benefit to participate in the pre-study and the study of Bill C-36 that the way that the committee was conducted, under the chairmanship of Senator Runciman, in my opinion was exemplary. In support of that conclusion, I want to read to you an email that I received from one of the witnesses who testified, a former prostitute. I think I should read it because it speaks to the level of seriousness and professional responsibility that senators have expressed all through the difficult study of that bill. It says:

> Dear Senator Joyal, I want to take a moment to thank you for your very thoughtful question that you posed to me when I testified before the Standing Senate Committee on Legal and Constitutional Affairs about Bill C-36 this week.

I underline this:

> I had a very negative experience when I testified before the Justice Committee (House of Commons) in July and wrote about it when I returned home. On a personal note, I wish to tell you that my father was a decorated veteran of World War II and he taught me to love this country and its institutions. My parents were older when I came along, and while my father knew that I was troubled and struggled with addiction, he never knew that I was a sex worker, as I did not want to hurt him. While I continue to have a deep love for this country and the democracy that my father fought for, I feel very disillusioned by the treatment of those advocating against Bill C-36 and for the decriminalization of sex work by the representatives of the Harper government, so it meant a great deal to me to be treated with dignity and respect by you and the other Liberal senators. My father passed away early in my recovery from addiction, but I know that he would be proud of the activist I have become. He taught me to stand up for what is right and to fight for what you believe in, and I will continue to fight for justice for sex workers.
>
> Again, my deepest thanks to you, sir.

I want to add on a personal note that the negative comment did not apply to the government senators sitting on the Standing Senate Committee on Legal and Constitutional Affairs. I certainly am a witness to that. The negative comments were addressed to the experience that witness had in the House of Commons. It is signed by Ms. Kerry Porth, Pivot Legal Society, former sex worker.

That being said, honourable senators, I want to add my personal comment to Bill C-36. In my own personal conviction, I think Bill C-36 is flawed on three grounds. The first is because the

bill is premised on the assumption that any sex work is exploitative, any offer of sexual services is exploitative. It's an assumption. It's not demonstrated. It's taken for granted. It's an assumption based on which grounds? It could be a variety of grounds. One could think, as I mentioned in my opening remarks, on morality.

Another one could be seen as being exploitative of the human body, be it female or male. It exists. The vast majority of sex work is not exploitative, per se. A large number of prostitutes, again male or female, do it wilfully. We have heard testimony on that. Of course we have also heard other stories. There's no doubt about it. It's not an easy activity. It's a dangerous activity, on all accounts. The Supreme Court has recognized this in its decision, but to base the whole philosophy of the bill on the principle that all sexual service is exploitative would not stand the test of reality in the Supreme Court. As a matter of fact, the three women who were petitioners in the Supreme Court were in these sexual activities wilfully, and the Supreme Court accepted that. Nobody questioned that.

The other aspect of the presumption of the bill which in my opinion would not meet the test of reality is based on the assumption that all persons who offer sexual services are deemed criminal. It makes the sexual activities criminal, as my colleague Senator Baker has stated. However, at the same time, because the bill recognizes that sexual activity is exploitative, the corollary is that all persons who are involved in sexual activities are victims; they are victimized. It is not knowingly, but they are victimized. They are presumed to be victims.

The bill, in relation to that conclusion, makes some exceptions to that situation, as Senator Baker and Senator Jaffer have been eloquently explaining. The bill makes exceptions. In other words, if you practice the activity of offering your sexual services by yourself in your own apartment — with a bodyguard that you hired, with somebody who takes the calls, with somebody who will go and get the customers — on your own, with only you as an individual, it's allowed.

We learned even at the conclusion of our report, in the last testimony that we heard, as I stated and questioned Senator Baker on, if you operate under a cooperative form of organization, it would also be allowed under Bill C-36, under the new sections of the Criminal Code. The assumption that you are exploited and a victim is negated by a form of organization, either on a cooperative basis or on your own. There is something illogical there.

Another aspect that is illogical is the fact that if you offer your sexual services with a group of persons, and you are found guilty by the police of offering sexual services, you will have a criminal record. Having a criminal record will make it much more difficult for you to be rehabilitated, in other words to leave that kind of activity to try to assume another kind of responsibility or job in the normal course of life.

• (1620)

I raised that question to some of the witnesses, and here is the answer or comment that I received when I raised that question. It is from one of the witnesses who sent me an email last week:

> During my testimony, I was very pleased that you focused a line of your questioning on the idea of expunging records for those who have been charged with prostitution offences. You correctly identify this as "the law of unintended consequences," whereby, in trying to criminalize sex sellers, you might, in fact, stigmatize them in a deeper way. This, of course, is a serious problem for both women who have been sex trafficked and charged with prostitution offences and those who are victims of prostitution and have been charged criminally.

In other words, we are presuming that every activity in relation to selling sexual services is deemed exploitative. We make the person who does that activity a victim, but, at the same time, we charge that person with a criminal record and expect that that person will finally come back into the normal course of life.

We all know that having a criminal record will bar you from all work in the civil service or public service and from many jobs, even the lowest-paid jobs in large, multinational companies. I won't name one, but many come to mind. It will prevent you from travelling because, in your passport, that will be part of your criminal record. For all kinds of objectives, which I'm not disputing today, we have made much more difficult the deletion of criminal records in the past years because we have changed the rules that allow a person to have a criminal record deleted.

I'm not disputing the objective that some prostitutes are victims, that some prostitutes are exploited and so forth. We all know those details and horror stories. Again, I'm not trying to diminish them, but by making the criminal record of those alleged victims more difficult to get rid of, we are victimizing the prostitute a second time. So there is some illogical element in the bill. I'm sure that the court, when they have to review the overall system that the bill implements, will have to look into, as I say, the unintended consequences.

It is the same with a second aspect of the bill that is very questionable, the fact of criminalizing the customer. We all recognize that by criminalizing the customer instead of putting all of the emphasis on the prostitute as, again, being male or female, we are trying to reduce the demand. It's what I call the simple market law. You have reduced the demand, so the offer will diminish. Let me make a simple parallel. If nobody asks for apples, fewer apples trees will be grown and maintained because nobody wants the crop. Nobody wants the apple. It seems to me that it is very illogical, that by criminalizing the customer and letting a person offer his or her sexual services, we are, in fact, putting ourselves in a dear situation.

Let me make a parallel. Suppose you are allowed to offer your services as a painter. You are allowed to buy the paint, the paintbrush. You are allowed to hire the ladders and the scaffolding and all you need. You are allowed to rent a van to move your stuff. But anyone who will be in contact with you to buy your services as a painter will be deemed to be a criminal. There's something illogical there. Either the activity is legitimate or it is not. It might be legitimate in some cases, if you are operating alone, but it will be illegitimate if you are operating with a group. There is something there that is very illogical at face value.

The other, more important element in that situation is that by criminalizing the customer, what do you do? What will you provoke in the system of offering sexual services? It's simple. You will drive it underground. Why? Because of course a person who wants to buy sexual services from another person will not be in a position to do that in the open. It will push offering sexual services underground, push the prostitute more into the dark alley, not allow the prostitute to negotiate.

May I have another five minutes, honourable senators?

The Hon. the Speaker *pro tempore***:** Five more minutes is granted to Senator Joyal?

Hon. Senators: Agreed.

Senator Joyal: What you will do, in fact, is put the prostitute more at risk in negotiating the condition of the offering of the services. The Supreme Court recognized that clearly in *Bedford*. The negotiation aspect is essential for the safety and the security of the prostitute. The court has been very clear. Only one prostitute need be put at risk to make the section unconstitutional against section 7 of the Charter, which is the protection of the security of the person.

By criminalizing the customer, which is, as I said, essentially with the objective of reducing the demand, that is, reducing the offer of services and pushing prostitutes out of the activity, we are, in fact, endangering the safety and security of the prostitute. I'm not the only one contending that. The *British Medical Journal* came forward in June with a long study evaluating what impact criminalizing customers would have. I will read the title. I won't read the study, of course, but I will read the title of the study by the *British Medical Journal*. If you don't know what it is, the *British Medical Journal* is a very serious, reliable, scientific publication. What is the title? "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study."

We have heard that from the Vancouver Police, which has adopted the model of criminalizing the customer. We have also heard it from the municipal police of Montreal, which has adopted that approach. In fact, that section of Bill C-36 will certainly be challenged because it will have that unintended consequence of making the offer of services more dangerous by unbalancing the equal footing on which a person who offers his or her sexual services should be able to negotiate with the person who accepts that offer on the basis of maintaining the safety of the person, the health of the person and the ability of the person to refuse to perform some forms of sexual activities. If you criminalize the customer to make it more pressing for a person who offers his or her services to accept any kind of conditions, it makes that person more vulnerable to safety and health conditions. This section of the bill, in my opinion, will be challenged because it is contrary to the very conclusion that the Supreme Court drew from the former sections of the Criminal Code in relation to that.

What were the three elements of the *Bedford* case? There were three elements that the Supreme Court decided on, against the sections of the Criminal Code. The first one is that keeping a common bawdy house was struck down. Bill C-36 recognizes that. Bill C-36 removes from the Criminal Code the definition of "common bawdy house" in relation to prostitution. They maintained "common bawdy house" only in relation to indecent acts and removed it from prostitution.

• (1630)

The second element they struck down in the *Bedford* case was the section of the Criminal Code dealing with living off the avails of prostitution. The third element was communicating in public for the purpose of engaging in prostitution, which is the whole section that our colleague Senator Baker mentioned about communication. As I stated, the court mentioned repeatedly in the *Bedford* case that communication is essential to the security, safety and maintenance of health of the prostitute.

The section of Bill C-36 that limits communication certainly will be challenged in court again, honourable senators, on the presumption of exploitation and victimization, which were not recognized in the *Bedford* case. The three people who challenged the criminal records before the Supreme Court were there on the basis of consenting adults — not coerced or under the age of 18. They knew perfectly well the activities they were engaged in. The court repeatedly recognized that it is a dangerous activity, but nowhere did the court say that because it is dangerous it should be prohibited. In other words, when something is dangerous, you have to take the proper means to frame it in the context of maintaining the security and health of the person.

The Hon. the Speaker *pro tempore*: Senator Batters, you are speaking on the amendments, good.

Senator Batters: I have a brief response regarding this package of amendments proposed by the Liberal senators opposite with respect to this particular communication provision.

There are four main reasons I would submit to my colleagues that we should retain those provisions. First, according to an Angus Reid poll, Canadians agree with this provision. The poll indicated that 89 per cent of Canadians, men and women, agree that it should be illegal to sell sex in public places where children are present. They agreed with the amendment even before the House of Commons substantially limited it.

Also, Senator Baker indicated in his remarks there was unanimity among witnesses appearing at committee on Bill C-36 that this provision should be deleted. However, I remind my friend and colleague that both police witnesses before the Legal and Constitutional Affairs Committee, Quebec City's Bernard Lehre and the President of the Canadian Police Association, Tom Stamatakis, agreed that this provision would give them an opportunity to intervene between a prostitute who is potentially trafficked and her trafficker.

Mr. Stamatakis stated:

> We needed to have the legislative authority to insert ourselves into situations lawfully so that we could determine what was happening in a particular situation. I think with the provisions contained within this proposed legislation, we are able to do that. This is where police officers will use their discretion to make decisions around how to proceed after that.

He also stated:

> If you can get the prostitute away from whoever is coercing them, you can get information that becomes the evidence you rely on to investigate and hopefully successfully prosecute these cases.

Police and prosecutors have discretion when choosing whether to charge prostitutes under the clause, and judges always have discretion when sentencing.

This clause will protect our communities, including the most vulnerable of our citizens — children. Dangerous activities like drugs, organized crime and violence often accompany prostitution, and our children should not be exposed to that.

Mr. Stamatakis also said:

> I absolutely support those provisions. They are, quite frankly in my opinion, long overdue.

He went on to give examples of prostitution around schools and daycares creating harm to children not only by appearing in front of them but also by the associated criminal activities that often accompany prostitution.

He went on to tell us:

> In Vancouver, parents have to get together before the school day starts so they can sweep the playground for discarded syringes being used by prostitutes and others who are intravenous drug users using those locations to engage in that kind of activity.
>
> I've even personally experienced that as a resident of Vancouver. I unfortunately had the experience of having the public space around my home used as a place for sex by prostitutes while my kids were quite young and potentially could have been harmed by that behaviour, whether it's interrupting a transaction or something like that. Very serious harms could potentially occur in those circumstances.

Honourable senators, I would say that children are at greater risk of being lured into the sex trade or related criminal activity if that behaviour is normalized and/or glamorized. I would remind colleagues that even some of those groups who indicated they would prefer the removal of this section have indicated they would still support Bill C-36 even if the clause remains.

Larissa Crack from the Northern Women's Connection stated:

> . . . if the bill stays as is, I would still support the bill as 99 per cent of the bill meets our needs of criminalizing the johns and the people who abuse women, and it recognizes the violence that occurs in prostitution.

Diane Matte stated:

> . . . if 99 per cent of the law is satisfying to us in the change of paradigm that it makes in Canadian society, then if that amendment stays we won't throw out the baby with the bathwater.

Keira Smith-Tague said:

> . . . I think the alternative to not having the bill at all, with full decriminalization, would be far more dangerous for women so I still support it.

Honourable senators, I ask that you vote against the amendments and vote for the bill.

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

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: First, we will deal with the motion in amendment.

It is moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Smith — may I dispense?

An Hon. Senator: Dispense.

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

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: I am uncertain. Honourable senators in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those against will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Do the whips have instructions? There will be a 30-minute bell. Call in the senators.

• (1700)

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Joyal
Campbell	Lovelace Nicholas
Chaput	Massicotte
Charette-Poulin	McCoy
Cools	Merchant
Cowan	Mitchell
Dawson	Moore
Day	Munson
Downe	Ringuette
Fraser	Robichaud
Furey	Smith (*Cobourg*)
Jaffer	Watt—24

NAYS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Meredith
Batters	Mockler
Beyak	Nancy Ruth
Boisvenu	Neufeld
Carignan	Ngo
Dagenais	Ogilvie
Demers	Oh
Doyle	Patterson
Eaton	Plett
Enverga	Poirier
Fortin-Duplessis	Raine
Frum	Runciman
Gerstein	Seidman
Greene	Seth
Housakos	Smith (*Saurel*)
Johnson	Stewart Olsen
Lang	Tannas
LeBreton	Tkachuk
MacDonald	Unger
Maltais	Verner
Manning	Wallace
Marshall	Wells
Martin	White—49
McInnis	

ABSTENTIONS
THE HONOURABLE SENATORS

Nolin—1

The Hon. the Speaker: Honourable senators, the question now before the house is the motion moved by the Honourable Senator Batters, seconded by Honourable Senator Beyak, that Bill C-36 be read the third time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: Carried, on division.

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

• (1710)

[*Translation*]

PROHIBITING CLUSTER MUNITIONS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Suzanne Fortin-Duplessis moved third reading of Bill C-6, An Act to implement the Convention on Cluster Munitions.

She said: Honourable senators, I rise today to speak to Bill C-6, An Act to implement the Convention on Cluster Munitions, at third reading. The convention is an important treaty awaiting Canada's ratification.

The devastation caused by cluster munitions is well known. These weapons scatter small submunitions that can devastate a wide area. Since the end of the Second World War, they have been used in over 35 conflicts around the world. When these submunitions do not detonate as planned and remain on the ground, they become a very serious threat to the civilians living in the area. Unexploded submunitions result in human tragedies, for they kill and maim civilians long after conflicts have ended. The economic costs related to these deaths and injuries and to the clearance of contaminated areas also represent a heavy burden for the post-conflict reconstruction.

The vast majority of reported victims are civilians. However, these unexploded munitions also pose a threat to our soldiers. Last week, the Standing Senate Committee on Foreign Affairs and International Trade heard testimony from Lynn Bradach, who lost her son, a member of the U.S. Marine Corps who was taking part in operations to clear a contaminated area in Iraq of cluster munitions.

These humanitarian concerns led to the negotiation of the Convention on Cluster Munitions. Canada actively participated in those negotiations, and the Convention was adopted in May 2008 in Dublin. It came into force in August 2010. Canada has always been committed to protecting civilians from the damage caused by the explosive remnants of war, which strike indiscriminately. Therefore it was only logical for Canada to play a key role in these negotiations. During the relatively short period since the treaty was adopted, 87 states have ratified or acceded to it and 27 others, including Canada, have signed it. Clearly, many

countries are concerned about the serious humanitarian implications of cluster munitions and are determined to rid the world of these weapons.

Canada has already taken concrete action to fulfil its future obligations under the convention. It has never used cluster munitions in its military operations, and its complete stockpile has now been destroyed. Furthermore, it already voluntarily submits annual reports to ensure transparency, in accordance with the convention, and this will be mandatory once it becomes a state party to the convention. Furthermore, since 2006, it has contributed more than $215 million to help countries affected by cluster munitions and land mines clear contaminated areas, make people aware of the related risks and provide assistance to victims, including in some of the most contaminated countries in the world, such as Laos and Afghanistan. We will continue to help affected countries deal with the consequences of land mines and cluster munitions.

National legislation is not required in order to fulfil most of the obligations set out in the convention. For example, the convention prohibits Canada from developing, stockpiling or using prohibited munitions. We have never manufactured or used such munitions, and we never will. No legislation was required in order to proceed with the destruction of our stockpile of munitions. The requirement to promote the norms the convention establishes will be implemented through diplomacy. Canada is determined to do everything it can to ensure that the greatest possible number of countries accede to the convention and meet its obligations so that we can put an end to the human suffering caused by cluster munitions.

• (1720)

The convention requires that states parties enforce the prescribed prohibitions through their national criminal legislation. Bill C-6 would implement the parts of the convention that require the passing of criminal legislation in Canada. The convention prohibits Canada from acquiring, producing or using cluster munitions, and it also requires us to ensure that individuals and businesses under our jurisdiction do not do so either. Once passed, Bill C-6 will prohibit anyone from using, developing, making, acquiring, possessing, moving, importing or exporting cluster munitions. Furthermore, in light of the much broader scope of the proposed offence for possessing cluster munitions in Canada, it will also be prohibited to stockpile cluster munitions on Canadian soil. This offence includes all forms of possession of prohibited munitions on Canadian soil, including all methods of stockpiling, by Canadians or by individuals outside the country. It is easy to enforce the law in the case of offences related to possession and, if necessary, prosecute offenders in Canada's criminal justice system.

The bill also prohibits anyone from aiding or abetting another person to commit any prohibited act. This includes activities in Canada and situations in which an individual in Canada aids or abets a prohibited activity in another country, even if the activity is not illegal in that country. These provisions apply to all situations in which someone has knowledge of the prohibited activity and, to some degree, intends to aid and abet someone to engage in that activity. The only exception is when the assistance is part of an international military operation authorized by the convention and when the individual receiving assistance is authorized to possess or use cluster munitions because his or her country has not acceded to the convention.

Bill C-6 sets out exceptions to the general prohibitions. Given that the convention involves the use of criminal law, it is necessary to create exceptions so that members of and civilians associated with the Canadian Armed Forces cannot be held criminally responsible when, as part of their work, they participate in military activities that are expressly authorized by the convention, in particular activities related to the interoperability clause.

These exceptions are necessary to protect the members of the Canadian Armed Forces. That is why Canada supported article 21 of the convention and why Bill C-6 sets out the same guarantees. This bill falls under criminal law. According to the bill's provisions, anyone who participates in illegal activities involving cluster munitions is liable to prosecution, a fine and imprisonment. Although the criminal law system can be brought into play, we must still act responsibly and prudently so that we do not punish our soldiers for military cooperation that is authorized by the convention.

Bill C-6 is clear and unambiguous, thus ensuring that the members of the Canadian Armed Forces will understand their legal obligations and the allowable exceptions. This is also about ensuring that individuals and businesses in Canada, although not directly targeted by the obligations set out in the convention, can and will be prosecuted under Canadian law if they participate in prohibited activities.

From the start of the negotiations on the convention, Canada made it a priority to ensure that states parties are able to continue their cooperation and military operations with states not party to the convention, such as the United States. That is exactly what article 21 allows.

It was essential that the treaty authorize this type of military cooperation between states parties and states not party to the convention. Without this type of provision, many countries that wanted to address the impact of cluster munitions by acceding to the convention would likely not have done so. The degree of military interoperability with states not party to the convention varies considerably, and it is therefore not surprising that every state has taken its own approach to developing its enabling legislation. That is why countries that do not have the close alliances and cooperative relationships that Canada has could enact stricter exceptions for their military personnel, while others might not enact any.

However, Canada and the United States are the only countries that have such close defence and security relationships. Such cooperation is crucial to our own security and also allows us to contribute to world peace and security. Our country also has close defence relationships with many other states that are not party to the convention.

Canada will dissuade other states from using cluster munitions. However, insofar as it is authorized by the convention, Canada will continue to cooperate with its allies on training and military operations, even if they are not party to the convention. Some of

these military operations could, of course, involve the use of cluster munitions by our allies. However, members of the Canadian Armed Forces will never shoot, drop or launch cluster munitions themselves. What is more, they will never expressly request the use of such munitions when they have exclusive control over the choice of munitions to be used.

It is important to note that Bill C-6 does not authorize any specific activities. It simply sets out some prohibitions and exceptions. These exceptions ensure that members of the Canadian Armed Forces cannot be held criminally responsible for a number of activities that they may be called upon to carry out in the course of military cooperation with a non-party state. This is really important, and it responds to a number of questions that we have been asked. Such activities include logistical support, the refuelling of aircraft, air traffic control and close air support. The scope of these exceptions is very limited. They pertain only to people who are acting on behalf of Canada, and then only if the activity in question is part of an authorized form of military cooperation and the other country involved is not a party to the convention. That is a very important point because it means that as other countries accede to the convention and renounce these munitions, the legal exceptions will have less and less effect.

• (1730)

During the committee hearings, someone asked whether the bill should make it an offence for a person to invest in a company that makes cluster munitions. The convention does not require this, and in practice, such a provision would be very hard to enforce. It does, however, require states parties to prohibit assisting anyone in committing acts prohibited by its provisions. Accordingly, aiding or abetting another person or company to commit acts such as producing, developing or transferring cluster munitions constitutes an offence within the meaning of the bill. This includes not only investing, but also other forms of aiding or abetting.

There is an important distinction to be made. If someone buys a company to make weapons abroad or invests specifically with the goal of financing illicit activities in order to get rich, this should be considered a crime, and it will be.

However, if a Canadian, without knowingly aiding or abetting the production of cluster munitions or intending to do so, holds shares in a corporation that makes cluster munitions, this should not be considered a crime, and it will not be. There are many ways, other than investing, in which a person in Canada can aid or abet another person or entity to make or use cluster munitions. That is why the bill will ensure that these activities may be prosecuted.

Honourable senators, this bill was originally introduced as Bill S-10, in 2012, during the previous session. However, the government later agreed to an amendment, when Bill C-6 was before the House of Commons last year. It has always been the government's policy to prohibit any actual use of cluster munitions by Canadian Armed Forces personnel, even during exchanges with the armed forces of a non-party state. Nonetheless, the original intention was to use a binding directive from the Chief of the Defence Staff to implement this policy. However, after listening to the concerns expressed during the committee deliberations, we decided to enshrine this policy in the law, and the proposed amendment to paragraph 11(1)(*c*) does that. This amendment has the support of all parties.

Some of the amendments presented to the Senate committee were not adopted. The proposed amendments to paragraphs 11(1)(*a*) and (*b*) of the bill would eliminate some of the important exceptions made for Canadian Armed Forces personnel. Not only would that compromise Canadians' security, but it would also expose our own soldiers to possible prosecution for a wide range of activities that, in fact, are not prohibited by the convention itself.

Another proposal would have included a clause in the bill requiring the submission of annual reports. It should be noted that the convention already requires parties to report annually on its implementation. When Canada becomes a state party, we will have to submit an annual report to the UN Secretary-General, who is responsible for collecting reports under the convention. These reports describe the efforts made by each state to destroy the cluster munitions it possesses, clear contaminated areas and rehabilitate victims. Canada considers these documents to be important and necessary in leading all countries to fulfill their obligations. That is why we already submit these reports on a voluntary basis.

Honourable senators, the bill before the House is fully consistent with Canada's commitment to protect civilians against the consequences of explosive remnants of war, which strike indiscriminately. Canada's ratification of the Convention on Cluster Munitions will clearly reaffirm this commitment. I am proud to support Bill C-6, which will allow us to ratify the convention and continue contributing to the eradication, once and for all, of the scourge of cluster munitions. Therefore, I ask you to join me in supporting this bill.

(On motion of Senator Fraser, debate adjourned.)

[*English*]

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. James S. Cowan (Leader of the Opposition): Honourable senators, I rise to join in the debate at second reading of Bill C-377.

This is a debate I had hoped we had seen the last of. Certainly it has been many months — indeed, it has been more than a year — since we thought we had disposed of this bill. Now, all these months later, we find ourselves back at square one — the parliamentary equivalent of *Groundhog Day*. While Bill Murray's character in that movie was forced to relive the same day until he had changed for the better, we're being forced to redo our consideration of the bill in the hope that we will agree to change for the worse. That would be a mistake, colleagues.

We did our job well in June 2013. In our very best traditions, the Senate reached across party lines and said "no" to a bill that was, and still is today, a very bad bill. It is, as colleagues on both sides of this chamber said at the time, a bill that is unconstitutional, violates fundamental Canadian values of privacy and indeed fundamental rights under the Charter of Rights and Freedoms. It is deeply flawed in drafting and, as a number of provinces told us, would wreak havoc with labour relations across the country. Each of these would have been reason enough to reject the bill altogether, or at the very least to amend it, as we did. Taken together, we knew as a chamber we had to act, and act we did. It was a proud moment for this institution.

How is it that the bill is back before us in its original form? The proverbial "bad penny" returning to the chamber that thought it had abolished the penny? Let me take a few minutes to remind colleagues how we got to this unusual stage of proceedings.

• (1740)

The very first time this bill came to our chamber from the other place was on December 13, 2012, the day before we rose for the Christmas break. The sponsor of the bill spoke to it the day after we returned, and we proceeded to have what I think all of us would agree was a serious, thoughtful debate. Significant questions and concerns were raised, and we all looked forward to investigating those issues in committee and to hearing the views of interested Canadians.

Our Standing Senate Committee on Banking, Trade and Commerce then held extensive hearings and received numerous submissions. The committee heard from five provincial governments, various trade unions, professors, the Privacy Commissioner of Canada and groups representing Canadians from across the country — doctors, nurses, screenwriters, accountants, teachers, police officers, airline pilots and the insurance industry.

After this extensive examination, the committee prepared a very unusual report. Let me remind everyone what it said:

> While the Committee is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study — hearing from forty-four witnesses and receiving numerous submissions from governments, labour unions, academics, professional associations and others — the vast majority of testimony and submissions raised serious concerns about this legislation.
>
> Principal among these concerns was the constitutional validity of the legislation both with respect to the division of powers and the Charter. Other issues raised include the protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.
>
> The Committee shares these concerns.
>
> The Committee did not offer any amendments because these substantial issues are best debated by the Senate as a whole.

As the committee hoped, the Senate, as a whole, embarked on a serious, substantive and thoughtful third-reading debate. Numerous amendments were proposed from colleagues on both sides of the chamber. Then, in the best tradition of this place, in a strong bipartisan — indeed, multi-partisan — vote, we voted to amend the bill and send it back to the other place for their consideration.

Our efforts were widely praised as an example of the good that can be achieved by this chamber when we approach our work in an independent and open-minded fashion. Indeed, I know many of us have pointed to our work on Bill C-377 in just this way.

In the wake of the Supreme Court decision in *Reference re Senate Reform*, we have had extensive debates here about the role of the Senate. The original sponsor of Bill C-377 in this place, Senator Eaton, spoke in one of those debates. In reminding us of the importance of our acting independently, she praised our amendment of Bill C-377 as an example of the chamber properly exercising that critical independence. This is what she said on March 26:

> We should not, must not, and cannot allow ourselves to become a rubber stamp of the House of Commons. We've seen the tacit indignation that can arise when, as a chamber, we choose to exercise our prerogative and push back proposed legislation.
>
> We saw it first-hand last year with respect to our deliberations around Bill C-377, a private member's bill about union transparency. The other place had reported and passed the bill without amendment. However, our study of its provisions concluded that there were serious concerns over the constitutional validity of the proposed legislation both with respect to the division of powers and the Charter. Other issues raised include the protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.
>
> In light of those concerns and the consideration they were given here in this place, we did not pass the legislation. It was sent back to the other chamber, and rightfully so.

Senator Eaton had it exactly right. No originator of a bill, be they government or private member, usually likes it when any amendment is made to their legislation. As our colleague accurately described, indignation was indeed expressed, in some quarters, about what we had done. Nevertheless, as Senator Eaton said, it was the right thing to do. We did our job.

To finish the story, it was on June 26, 2013, that we amended Bill C-377 and ordered that a message be sent to the other place informing them that we had passed their bill with amendments, to which we desired their concurrence. However, colleagues, Parliament was prorogued before the other place had an opportunity to consider our amendments. They never had an opportunity to read our observations and consider the many issues raised in our debates. It is as if our message and amendments simply disappeared into outer space.

Colleagues, I believe the members of the other place should have the opportunity to consider and pronounce upon our amendments. The many Canadians who took the time to present their views to our committee, whose voices were reflected in our committee's observations, in our debates here in the chamber and then in the amendments themselves, deserve to have their contributions considered by the other place.

My own preference would be to once again quickly send our amendments down the hall for consideration, without first having to go through the whole process here all over again. I'm curious whether the new sponsor of the bill in this chamber, Senator Runciman, would be agreeable to such an approach.

I ask because nothing has changed since June of 2013. The bill itself is exactly the same. No new senators who might wish to add their voices to the debate have been appointed.

We have, of course, lost some senators, including Senator Segal, who put forward the amendment we adopted. But, as he told the Canadian Press recently, Bill C-377 was:

> . . . badly drafted legislation, flawed, unconstitutional and technically incompetent when it was amended last time. Unamended, it has not now become perfect simply because one senator retired to do other things.

I read with great care Senator Runciman's second-reading speech. His central argument in support of Bill C-377 was that Ontario law, unlike federal law, does not restrict third-party spending during an election and that he believed that unions used this to help defeat the provincial government, of which he was a member — and that was back in 2003, over a decade ago — and then, as we know, to help elect successive Liberal governments in Ontario since that time.

I can certainly sympathize with frustration when one's party of choice has lost election after election. I've been there. I've done that. I have a few T-shirts to prove it. But seriously, colleagues, it really is quite a jump from that to Bill C-377. Indeed, arguing that the federal Parliament needs to legislate because Ontario provincial election law is not what we believe it should be demonstrates just how far Bill C-377 would, and apparently is intended to, encroach upon provincial jurisdiction. I'll return to the constitutional issue later.

As I studied Senator Runciman's speech, I was struck by what wasn't there. There was no attempt to argue that circumstances have changed since we last considered Bill C-377. No new arguments were raised to answer the many, very serious concerns with the bill held by senators at that time on both sides of the chamber.

So what were those very serious concerns? Senator Runciman's decision not to raise or deal with them doesn't mean that they no longer exist, or that they were magically resolved while our attention was diverted elsewhere. I'd encourage colleagues to reread the excellent debates we had last year to be reminded of what is at stake. For now, I'll just take a few minutes to remind honourable senators of just a few of the very troubling problems we found.

• (1750)

As all of us recall, Bill C-377 would require extensive public disclosure by so-called "labour organizations," a term defined so broadly that it appears to encompass not only all labour unions, from large internationals to tiny locals of just a few people, but also professional organizations. Doctors Nova Scotia and Doctors Manitoba, neither of which is a trade union, testified that they believe they would be caught. Indeed, even employers' associations would seem to be captured by the definition in the bill — even Merit Canada, which is the true author of this unfortunate legislation, would likely be caught.

Many Canadian organizations are now waking up to the fact that they will likely fall within the scope of the bill, even though they are not a labour union in any way, shape or form. And they are beginning to contemplate just exactly what this will mean for them and everyone they deal with: the paperwork, the red tape, the cost and the public disclosure of private — including competitive — information.

The breadth of the disclosure mandated by this bill is unprecedented in Canadian law. Every labour organization and labour trust — and I'll return to that in a moment — is required to file electronically a set of statements which are then posted on the Internet for all to see. The basic disclosure obligation is set out in paragraph 149.01(3)(*b*). It requires every labour organization and labour trust to file, and I quote from (3)(*b*):

> . . . a set of statements for the fiscal period setting out the aggregate amount of all transactions and all disbursements — or book value in the case of investments and assets — with all transactions and all disbursements, the cumulative value of which in respect of a particular payer or payee for the period is greater than $5,000, shown as separate entries along with the name of the payer and payee and setting out for each of those transactions and disbursements its purpose and description and the specific amount that has been paid or received, or that is to be paid or received, and including . . . .

There then follows more than 20 subparagraphs detailing some of the information required to be disclosed by this extraordinarily broad opening paragraph. I say "some of" the information required to be disclosed, because the introductory paragraph that I just read ends with the words "and including." As colleagues

know, these are open-ended words. They mean that the list that follows is not necessarily complete. The list contains examples of things that are definitely included. But something that falls outside the enumerated paragraphs may nevertheless have to be disclosed if it falls within the very general opening words of the section.

Let me give you one example of the impact of these opening words. Members of the other place amended the bill because they wanted to restrict the public naming of Canadians which would now be required. They wanted the requirement to apply only to certain subsections in the long list to which I've referred. The problem, colleagues, is the way they drafted the amendment. They added a new subsection (7) at the end but didn't change the opening words, with its overarching obligation to name every payer and payee who paid or received more than $5,000. There's no question in my mind that the intent of the amendment was to limit the obligation, but it's not clear that, as drafted, it succeeded. The then Privacy Commissioner was asked about this when she testified before our Banking Committee. She and her senior general counsel agreed that "there is an ambiguity" because of the way the amendment was drafted.

This points out a problem that many Canadians have identified with private members' bills, which is that the drafting, not having been done or scrutinized by Justice lawyers, can have problems. In this case, because of the rules limiting debate on private members' bills in the other place, there was no substantive study or debate on the amendments which were brought forward at report stage. These questions were simply never discussed. Fortunately, in this chamber, we're not so limited by our rules and are therefore in a position to act as a "chamber of sober second thought," as stated by the Fathers of Confederation, or, as the Supreme Court put it so well recently, as a "complementary legislative chamber of sober second thought."

Returning to Bill C-377, we have a bill which would require detailed statements about all transactions and all disbursements for every payer and payee, who may or may not have to be named, where the cumulative total is more than $5,000. And all of this is then to be posted on the Internet for the world to see.

Our former colleague Senator Segal put it well when he said:

> At the disclosure level that is now in the bill — $5,000 — a two-year supply of coffee, a used car, a new computer system or printer, or the replacement of plumbing or a boiler at a union headquarters would qualify for explicit disclosure. Is this all that CRA has to do?

Under this bill, every small business that has a contract for more than $5,000 with a labour union must have the value, purpose and description of that contract posted on the Internet for its competitors to examine and then undercut. Is this the way to help our small- and medium-sized businesses to thrive, or foster fair competition in our economy, to force some businesses, simply because they happen to do business with a labour organization, to open up confidential details of their private business contracts to their competitors?

There will be two tiers of businesses in this country: those who don't do business with labour organizations, who get to keep their competitive information private, and those that do, who we will punish by undermining their future competitiveness.

Turning to the more than 20 subparagraphs that I mentioned earlier, they cover everything from accounts receivable; accounts payable; loans exceeding $250 that were extended to officers, employees, members or businesses; loans payable; description, cost, book value and sale or purchase price for every sale and purchase of investments and fixed assets; aggregate amount of disbursements on "administration" and a separate category for aggregate amount of disbursements on "general overhead." Can anyone tell me what is encompassed by each of these undefined terms? And this is just a partial list of what will now need to be provided.

Subsection (vii) is particularly problematic. Not only is there an obvious punctuation error, but the names of countless individuals identified must be posted on the Internet, with their salaries, for the world to see. Here's what it says:

> . . . a statement of disbursements to officers, directors and trustees, to employees with compensation over $100,000 and to persons in positions of authority who would reasonably be expected to have, in the ordinary course, access to material information about the business, operations, assets or revenue of the labour organization or labour trust, including gross salary, stipends, periodic payments, benefits (including pension obligations), vehicles, bonuses, gifts, service credits, lump sum payments, other forms of remuneration and, without limiting the generality of the foregoing, any other consideration provided . . . .

As drafted, the subsection would require disclosure of disbursements to officers, directors and trustees, and to employees earning more than $100,000. That's clear enough. But what about the phrase:

> . . . persons in positions of authority who would reasonably be expected to have, in the ordinary course, access to material information about the business, operations, assets or revenue of the labour organization or labour trust . . . .

• (1800)

Is it actually clear to everyone, or better yet, is it clear to anyone in this chamber, who is to be included in these words, and perhaps more importantly, who can safely be left out?

Many people would presumably have "access" to "material information about the business . . . of the labour organization or labour trust." That could include anyone who has access to a filing cabinet, where normal documents concerning day-to-day operations are kept. What is meant by "persons in position of authority": Authority over what, or whom? Clearly it is someone other than officers, directors or trustees, as they have already been covered.

The Hon. the Speaker *pro tempore*: Honourable senators, is there agreement not to see the clock?

Hon. Senators: Agreed.

Senator Cowan: Clearly they include people who earn less, even substantially less, than $100,000. Why would we pass a law requiring the posting on the Internet of the names and salaries of every middle-level employee of a Canadian labour organization? Would we want the names and salaries of all our friends and family members posted on the Internet? If not, why would we pass a law forcing any Canadian associated with a labour organization to do so? Is this the kind of Canada we want?

The bill goes on to require public disclosure of how all these same people — officers, directors, trustees, employees earning more than $100,000 and this vague class of middle-level employees — spend their time. Labour organizations and labour trusts will be required to file statements estimating the percentage of time spent on each of "political activities, lobbying activities and other non-labour relations activities."

Colleagues, when representatives of a union meet with the Minister of Labour to try to avert a strike, are those meetings considered by this bill to be lobbying or some other "non-labour relations" activity? Frankly, I would have thought a Minister of Labour would want to encourage union representatives to meet with her on a regular basis, not only when a strike may be looming. Who would we have the minister meet with, if not representatives of labour organizations?

In the interest of balance, should we pass a law requiring all cabinet ministers to file a statement estimating the percentage of time spent on partisan political activities, riding activities and time spent lobbying ministerial colleagues? It's absurd.

And the bill doesn't end there. Under subparagraph (viii.1), labour organizations are required to file a statement estimating the percentage of time spent on, again, "political activities, lobbying activities and other non-labour relations activities" by employees and contractors — contractors, colleagues. Labour organizations are to report on how third parties, over whom the labour organization presumably has no control, spend their time.

Honourable senators, here's an example: A local union hall has a contract for cleaning services with a private cleaning company. It is the only such contract with a union that this outside company has. But the union hall will now be required to provide detailed information about this cleaning company to the Canada Revenue Agency. Are we really comfortable with that proposition?

Another example is Helmets to Hardhats, which Senator Day knows well. It is an organization that provides careers in the construction trades for returning veterans. It is a partnership with Canadian building trade unions, employers and government. What disclosure will be required of them as they work to assist our veterans?

A proposed subsection was added at report stage in the other place that takes the absurdity of the bill even further, if that were possible. It says:

> (5) For greater certainty, a disbursement referred to in any of subparagraphs (3)(*b*)(viii) to (xx) includes a disbursement made through a third party or contractor.

Colleagues, how can we impose an obligation on one organization to be responsible for reporting on payments made by third parties, who by definition are not within their employ or control? How are they to be expected to know this information, let alone be in a position to publicly disclose it? But if they do not disclose it, they will be fined $1,000 a day upon conviction.

The list of disclosure obligations goes on and on, describing any and every activity imaginable. Just in case anything may have been missed, it ends with these words:

> (xx) any other prescribed statements;

In other words, colleagues, the government can meet behind closed doors and require disclosure of anything else they decide they want: for instance, why not the name and address of every union member? The government could require disclosure of the breakfast menu at the union local to ensure they are not on a taxpayer-subsidized gravy train. There is no limit placed on this regulation-making authority, and there is nothing that anyone could do except comply or face the prospect of being fined $1,000 a day.

Honourable senators, I have never seen any bill that is so intrusive into the private affairs of Canadians. As I mentioned earlier, it is not at all clear that as drafted this bill is limited to unions. The general counsel for Doctors Manitoba told our Banking Committee:

> . . . detailing each of those transactions may force us to disclose personal health, financial or otherwise private information about our members to the public, putting us in the awkward position of complying with this legislation by virtue of having to violate other legislation.

Interestingly, when the Minister of National Revenue was asked in the other place to produce the same information listed in Bill C-377 with respect to the people in the Canada Revenue Agency who administer its searchable charitable database, the minister replied:

> . . . the Privacy Act precludes the CRA from disclosing personal information about its employees.

Think about that, colleagues: The government is prohibited by law from disclosing the same information about its employees that we would be demanding labour organizations and labour trusts to disclose about their employees. Of course, irony upon irony, it is those CRA employees who will be administering and enforcing the disclosure provisions of Bill C-377 — insisting that labour organizations make public for the world to see on the Internet information that they are prohibited by law from disclosing about themselves.

Last spring, a question was placed on the Order Paper in the other place asking how many staff in the Prime Minister's Office earned salaries over $150,000 annually, over $200,000 and over $250,000. It also asked about bonuses paid to those staff. Notice, colleagues, it didn't ask for names or individual salaries but just how many staff were in each category — significantly less information than is asked for in Bill C-377. The Prime Minister's Parliamentary Secretary, the notorious Paul Calandra, tabled the following response on March 6, 2014:

> Mr. Speaker, in processing parliamentary returns, the government applies the Privacy Act and the principles set out in the Access to Information Act, and the information requested has been withheld on the grounds that the information constitutes personal information.

So there is the protection of the Privacy Act when it relates to people who work for the Prime Minister, but open season when it relates to people who work for a labour organization. How does Senator Runciman, who proudly reminded us of his union background when he moved second reading of the bill, defend such a proposed new law?

The Privacy Commissioner was very clear when she testified about Bill C-377 before our Banking Committee. She said that naming individuals as proposed in this bill would be

> . . . a significant invasion of their privacy. By not restricting web searches in some way, given the power of web searches these days and the ultimate replicability of information on the web, since the web never forgets and people have the right to be forgotten and other issues like that, I think I would have problems with the bill. I would have problems with it.

• (1810)

In addition to privacy concerns, our committee also heard that the bill could actually endanger lives, posing potential harm to the very security of our police who work to keep us safe. Here is what Tom Stamatakis, the President of the Canadian Police Association, told our Banking Committee about the security risks that his members would face if Bill C-377 is passed. He said:

> A person on my executive board in Vancouver is a sergeant in the Combined Forces Special Enforcement Unit in British Columbia. The sole function of that unit is to target organized crime groups, outlaw motorcycle gangs, and identify gangs engaged in serious criminal activity. Their main function is to surveil gang members and their activities with a view to successfully prosecuting them. Bill C-377 would put this individual in a situation where at the very least his name would be published. In this day and age with technology the way it is, it probably would not take much for someone to do something.

How do those who support Bill C-377 respond to this concern about the safety of our law enforcement officers? Or is the goal of disparaging unions more important than the personal security concerns of those sworn to protect us?

Bill C-377 would also require labour organizations to disclose information protected by solicitor-client privilege, a fundamental and critical privilege in our legal system. The Federation of Law Societies of Canada, the national coordinating body of the 14 provincial and territorial governing bodies of the legal profession in Canada, came before our Banking Committee in May of 2013 to express its grave concern about this.

I mentioned that the disclosure obligations set out in the bill apply not only to labour organizations but also to labour trusts. Ralf Hensel, General Counsel and Director of Policy for the Investment Funds Institute of Canada, testified before our Banking Committee in June 2013. Let me read to you what he said:

> Labour trust is cast in so broad a manner that we believe on a fair and reasonable interpretation it captures any trust or fund offered to the public in which there is a single unit holder or beneficiary who is a member of a labour organization. That fund would then be subject to the bill's full disclosure requirements.
>
> At its essence, then, any mutual fund that has just one investor who is a member of a labour organization would be tainted and therefore subject to the bill. Whether the tainted fund would need to report on the personal investments of only those who are members of a labour organization or all the investors in that fund is not entirely clear, but we cannot believe that requiring public reporting by public mutual funds on the personal investing and savings activities of investors, whether or not members of labour organizations, was the intent of the drafters and promoters of this bill.
>
> Generating and filing the specified reports will itself be an unwarranted administrative burden for fund companies, but that burden pales in the face of the activity necessary to ascertain initially and on an ongoing basis every investor's relationship, if any, with a labour organization — every current investor —

He had earlier testified that there were 12 million such investors in this country.

> — and every new investor in every series of every fund managed by every firm, which is a lot of "every"s. There are over 9,000 series of funds.

He concluded by saying:

> This is a Herculean effort to be required.

Mr. Hensel might use the term "Herculean effort." "Nightmare" is the word that springs to my mind.

Here is another scenario that I have heard. Right now, many employers top up pensions of employees beyond the caps that are permitted under the provisions of the Income Tax Act, and they pay for those top-ups from the company's general revenues. If a

company has employees — even just a few — who are members of a union, then that union could be said to have a "beneficial or financial interest" in the "fund" which pays those pension top-ups, that is, the company's general revenue fund. And under the definition of "labour trust" in this bill, this would mean that the company's general revenue fund is now a labour trust with all the disclosure obligations of the bill. Colleagues, what if the employer in question is a provincial government, and instead of those top-ups being paid out of general corporate revenues, they are paid out of the Consolidated Revenue Fund? With this scenario, the nightmare only gets worse.

Colleagues, these are just a few of the problems that were identified in our study of the bill last year and others that are continuing to be raised and that convinced us collectively that the bill could not proceed without significant amendment.

I am not aware of any person or entity, public or private, anywhere in Canada required by law to make the kind of public disclosure that we would be demanding with Bill C-377. The Prime Minister's Office is not required to make this kind of public disclosure. Charities are not required to make such disclosures. Neither are political parties. Public and private corporations, which have their own lucrative tax writeoffs, are not required to make such disclosures. On what possible basis can we demand that level of disclosure from labour organizations and labour trusts?

The sponsor of this bill in the other place, Mr. Russ Hiebert, told our Banking Committee that the public has a right to the information that would be disclosed under Bill C-377 because of the tax benefits enjoyed by labour unions under the Income Tax Act — things like full income tax deductibility for members' dues payments. He said:

> The fundamental premise behind Bill C-377 is that the public is providing a substantial benefit and they should know how that benefit is being used.

Colleagues, think about that — and think about what precedent we would be setting if we pass this bill. We would be saying that anyone who claims a tax deduction under the Income Tax Act is opening himself or herself up to demands for the full public disclosure of their activities.

Every single individual Canadian taxpayer claims personal income tax deductions. How far are we going to take Mr. Hiebert's logic? Just as union dues are tax deductible, so are the professional fees paid by lawyers, engineers and doctors to their provincial regulatory bodies. And then there is the direct flow of public taxpayer funds to businesses.

Two business professors at the University of Regina, Sean Tucker and Andrew Stevens, wrote about this in the *National Post*. They began by describing a typical engineering firm that might be receiving federal government benefits under the federal Youth Employment Strategy, or the Scientific Research and Experimental Development Tax Incentive Program, or the Canadian Innovation Commercialization Program, all under the government's economic action plan.

Professors Tucker and Stevens ask the logical question:

> Why should businesses that receive the same or a greater degree of support through the tax system be treated any differently than trade unions?

They explain:

> The business equivalent of Hiebert's law would require this firm to publicly disclose senior management salaries and all transactions over $5,000, with both the payer and payee being identified. But, the extent of accountability would reach even further under Hiebert's bill.
>
> The government would define and require reporting on over a dozen categories of business-related activities and demand senior managers to disclose on all political and lobbying activities. The costs associated with reporting would be borne by the business and non-compliance would result in a fine of $1,000 per day. And, because the scope of disclosure mandated by C-377 is not proportional to the size of the public benefit, all businesses would be treated equally.
>
> The thought of legislation targeting businesses may seem far-fetched. Most certainly it would be contentious if a future federal NDP government were ever to consider it. However, Hiebert already provided a blueprint for such a law. . .

Those are the two professors.

• (1820)

Let's be clear, colleagues. Bill C-377 is not really about who must account for a taxpayer-subsidized benefit. Bill C-377 is an anti-union bill. It is designed to bury labour unions in so much paperwork that they will not be able to represent their workers as fully and capably as they do now. Why labour unions? The conclusion being reached by many Canadians is that it is because unions have been less than enthusiastic about how this government has handled labour relations. Bill C-377 is really a message to Canadians that it is no longer safe to disagree with the Government of Canada. It's a message that if you disagree, then the heavy arm of the law can and will be brought down upon you. The bill uses the Income Tax Act, but no one should be, and frankly no one is deceived by that.

This is not about anything that anyone could ever imagine would come under a law about the paying of income tax. Bill C-377 takes the Income Tax Act and twists it into a weapon to be deployed against those who disagree with the government — a Trojan Horse with CRA officials, the reluctant warriors in its hold. Today, this weapon is being unleashed against labour unions, but who will be next? Who will be the next target?

Let's be clear about something else: Legislating that CRA officials have to administer and enforce the provisions in this bill means that those officials will have less time for the enforcement of other provisions of the Income Tax Act. The CRA officials

who appeared before our Banking Committee were very clear on this. In the words of one official, "there would be, at the very least, an opportunity cost. There would be other activities that we would forego."

We have all heard our colleague, Senator Downe, press the government repeatedly about the need to go after the very significant sums of tax owed to Canadians taxpayers but hidden offshore. Canadians learned a few days ago from the government's own Public Accounts that last year alone tax cheats cost federal revenues $220 million, and CRA has so far recovered only $2.2 million with hopes of collecting another $9.2 million. In other words, approximately $210 million is owing to the CRA that may never be collected. The government's budget cuts have meant that the CRA has already downsized several times, trying to make do with less. Do we want CRA employees investigating and collecting the hundreds of millions of dollars owed in unpaid taxes? Or do we want them to spend their time checking whether a particular union local of six members fully disclosed to the world at large all its spending on education and training, as required under subsection 18?

Complying with this bill is going to require enormous sums. Our Banking Committee heard estimates of tens of millions of dollars to trade unions. Tens of millions of dollars for new paperwork that the Harper government will now be demanding.

If the objective of this bill is to ensure that labour unions are transparent and accountable about their financial affairs, it is the case now. As witness after witness told our committee, Bill C-377 is a solution in search of a problem.

Labour unions are already required, by law in most provinces and by their own constitutions, to provide their members with financial information and that is how it should be. A corporation is responsible to its shareholders and a labour union is and should be responsible to its members. Senator Runciman took issue with this because, in his words, "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."

This brings me to a critical problem with Bill C-377, namely that it's an attempt by the federal government to impose on the provinces its own view of what provincial legislation should be, and that is unacceptable.

This is not a situation, colleagues, where provinces have been silent or where there is a legislative void waiting to be filled. The provinces have spoken. The problem is that this federal government does not like what the provinces have said. Several constitutional experts testified before our Banking Committee that Bill C-377 is an unconstitutional intrusion into the areas of provincial legislative responsibility under the division of powers in our Constitution. Bruce Ryder is a constitutional law professor at Osgoode Hall Law School. He taught constitutional law for more than 25 years.

This is what he told the committee:

> I am here to share the bad news that Bill C-377 is beyond the legislative jurisdiction of the Parliament of Canada. Its dominant characteristic is the regulation of the activities of labour organizations, a matter that falls predominantly within provincial jurisdiction to pass laws in relation to property and civil rights pursuant to section 92.13 of the Constitution Act, 1867. If Bill C-377 is passed by Parliament, it will be declared unconstitutional and of no force and effect by the courts.

Professor Ryder was not alone in his opinion. Other constitutional experts expressed the same view, and so did several provinces that sent representatives or wrote to the committee. Five provinces, large and small, with governments of all political stripes — Liberal, NDP, Parti Québécois and Conservative — said this bill is not constitutional, it's not needed and in fact it would disrupt labour relations in the province. A provincial minister who flew to Ottawa to testify before our committee described the bill as "a grenade in the room of collective bargaining."

Senator Runciman focused his remarks on an opinion submitted to the committee by former Supreme Court Justice Michel Bastarache, now in private practice. Not surprisingly, he neglected to mention that the former Justice's opinion was decidedly a minority — one might say, a maverick or even dissenting view — and in fact was a paid opinion, bought by Merit Canada, who I suggest is the true author of this bill.

Mr. Bastarache argued that the bill is constitutional because:

> Insofar as the new provisions address matters of fiscal transparency or fiscal integrity, they can properly be characterized as falling under Parliament's power to make laws in relation to "the raising of money by any mode or system of taxation" under 91(3) of the *Constitution Act, 1867*.

Professor Ryder was so disturbed by this reasoning he took the unusual step of writing to the committee. This is what he wrote:

> Senators should be deeply concerned about the extraordinary breadth of the power to impose substantial financial reporting costs on provincially regulated organizations that this line of reasoning about the taxation power gives to Parliament.

He concluded:

> My view, shared by other constitutional scholars whose opinions were cited in committee hearings in Parliament, is that the courts will see through the ruse of using the Income Tax Act as a Trojan horse for an unconstitutional attempt to regulate all labour organizations.

Colleagues, the argument presented by former Justice Bastarache is an extremely dangerous one.

As I told this chamber in June 2013, every citizen, as a taxpayer, is subject to the Income Tax Act. Under this argument, Parliament would have the jurisdiction to pass any legislation mandating any conceivable behaviour of them simply by using the Income Tax Act as justification — regulating the behaviour of

public schoolteachers, accountants or truck drivers, all of which are provincially regulated activities under our constitution, simply because they are taxpayers.

• (1830)

Colleagues, in June of last year, the Senate spoke with a powerful, cross-partisan, independent voice. We spoke up for the provinces we represent, five of which told us that the bill is not constitutional.

We spoke up for the Canadian value of privacy, against a bill that would force the public posting on the Internet of private citizens' salaries for all neighbours, friends, relatives and co-workers to see.

We spoke up for principles of basic fairness. One newspaper referred to Bill C-377 as "a witch hunt." In 2013, we stood as a chamber and refused to participate in that hunt.

I'm very disappointed that the government has chosen to bring this bill forward for debate. When it sat on the Order Paper for a full year, I hoped that it would die a well-deserved death. But, colleagues, if we're going to be forced through the government's version of *Groundhog Day*, let's make sure we do the job properly.

If there's no will to fast-track our earlier amendments to the other place, let's bring back the witnesses who testified so powerfully in 2013, as well as others, to ask them whether they have reconsidered their serious concerns; to hear from them as to whether we were wrong to amend the bill as we did; and to determine whether, in fact, we should reconsider our own position. Our committee will, once again, need to conduct a thorough examination because the people who will be impacted by Bill C-377 deserve the opportunity to be heard.

Bill C-377 has received an unusual amount of public attention for a private member's bill, reflecting, I believe, its unprecedented scope and nature. National and local media have followed its progress closely since it arrived in our chamber.

Colleagues, we spoke with a strong voice last year, and it was heard and welcomed across the nation. Canadians are watching and listening to see whether we will speak up once again in their defence. We must not let them down.

The Hon. the Speaker *pro tempore***:** Continuing debate.

Hon. Elaine McCoy: May I take the adjournment?

Hon. Serge Joyal: I had a question.

Senator McCoy: I defer to you, Senator Joyal.

Senator Joyal: Very quickly, because I know it's late.

You were a lawyer, Senator Cowan. When I was listening to you with the opinion that former Justice Bastarache put forward, that it is through the income tax power that you can regulate the union, in my opinion, when the constitutionality of a measure like Bill C-377 is raised, the first question that any court will ask is the pith and substance of the legislation. In other words, what is it that the legislation seeks to achieve? Is it essentially to raise money? A bill to raise money has a certain logic. It will establish a scale of taxes in relation to a certain number of elements.

But a bill that, under the guise of raising a tax, wants to regulate all kinds of other elements that have no bearing on the revenue that you want to draw from the measure, is no more a financial bill. It's no more a taxation bill. It's essentially an intrusion into a domain that is not covered by a measure that seeks to raise money.

I've not studied the bill at length, but, in listening to you, I have the clear perception that the legal argument, or the constitutional argument, that it is a financial measure doesn't meet the test of pith and substance. The Supreme Court is full of decisions in relation to that.

Did you pay attention, in preparing your notes, in relation to that argument?

Senator Cowan: Thank you, Senator Joyal. I think that's precisely the point. I think that a court wouldn't simply take the government's word as to what the purpose of the bill was. They would look to see what the pith and substance were, what the true, essential purpose of the bill was.

I think, as Professor Ryder and a number of his other colleagues said — I think he mentioned that there were 25 some colleagues — the true purpose of this bill is to regulate labour relations, which is, under the property and civil rights provision in the Constitution, a matter of provincial jurisdiction. In his view — and it seems sensible to me — this peripherally affects the Income Tax Act, but that's not its true purpose. The true purpose, they say, is to regulate labour relations, which is a provincial responsibility.

There were five provinces, as I mentioned, that made their views known to our committee and said that this is unconstitutional and an unwanted interference in the jurisdiction of the provinces. I agree with you, sir.

(On motion of Senator McCoy, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO RECOGNIZE THE SECOND WEEK OF MAY AS INTERNATIONAL MATERNAL, NEWBORN, AND CHILD HEALTH WEEK—DEBATE CONTINUED

On the Order:

> That the Senate recognize the second week of May as "International Maternal, Newborn, and Child Health Week", with the goal of engaging Canadians on the health issues affecting mothers, newborns, and children in Canada and around the world; reducing maternal and infant mortality; improving the health of mothers and children in the world's poorest countries; promoting equal access to

care to women and children living in households of lower socioeconomic status, those with lower levels of education, those living at or below the low-income cut-off, those who are newcomers, and those groups who live in remote and sparsely populated areas of Canada; and preventing thousands of mothers and children from unnecessarily dying from preventable illnesses or lack of adequate health care during pregnancy, childbirth and infancy.

Hon. Ghislain Maltais: Honourable senators, I have a few words to say about this motion and I'll be very brief.

I'd like to begin by congratulating my colleague, Senator Seth, on moving this motion. One thing I know for sure is that none of us would be here today if we hadn't had a mother. That is the absolute truth.

Dr. Seth dedicated her life to working with mothers and children. She is still doing that and always will. It is her passion and her profession. She helped bring an astounding number of children into the world. She cared for mothers with devotion and passion.

The motion seeks to recognize the second week of May as "International Maternal, Newborn, and Child Health Week," with the goal of raising awareness among Canadians. This would be a good thing not only for Canada, but for all of humanity.

The Government of Canada, particularly the Prime Minister, the Right Honourable Stephen Harper, worked very hard with the United Nations and allocated additional annual funding in order to make maternal and child health care available in as many countries as possible.

As everyone knows, we only have one mother, and we should be proud of her.

I have chosen an example that will interest some senators from New Brunswick. Gisèle Michaud has been selected as the National Memorial (Silver) Cross Mother for 2014-15.

The national president of the Royal Canadian Legion, Tom Eagles, announced that Ms. Michaud had been named as the National Memorial (Silver) Cross Mother, and with good reason. Her son, Master Corporal Charles-Philippe Michaud, was injured by an improvised explosive device —my colleague talked about this earlier — while on patrol southwest of Kandahar on June 23, 2009. He was transported to a Quebec City military hospital and passed away on July 4, 2009. He was only 28 years old.

• (1840)

Ms. Michaud was born and raised in Edmundston, New Brunswick. She is the fifth mother from New Brunswick to receive this distinction since this tradition began. Throughout the year she will be called upon to perform other duties honouring the widows and mothers of soldiers from all conflicts. We only have to look back to the week of October 22 and think of the fathers and mothers who lost their sons for no intelligent or comprehensible reason. Let us think about them today and about those mothers who lost the child to whom they gave life, whom they loved, whom they raised to adulthood and who was shamefully murdered.

Master Corporal Charles-Philippe Michaud was a member of the 3rd Battalion of the Royal 22nd Regiment based out of Valcartier, Quebec. He served in 2002 in Bosnia at a young age; in 2003; and twice in Afghanistan, in 2004 and 2009. He was the 122nd fallen soldier in that horrific war.

Today, let us remember the sacrifice made by Ms. Michaud. Let us think about the mothers of the two young soldiers we lost just over a week ago. Let us remember that those who lose their lives pay the ultimate price.

Senator Seth, thank you and congratulations on your excellent work.

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

[*English*]

ARMISTICE OF MUDANYA

INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of October 28, 2014:

That she will call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To two exceptional soldiers and human beings, who fought on opposite sides of the Great War, both of whom, were distinguished generals and accomplished military men, being General Charles Harington, the British Commander in Chief of the Allied occupation army in Constantinople, and the Turkish General, Mustafa Kemal, the Commander of the Turkish peoples' brave national resistance to the *Sèvres Treaty's* detachment and partition of the Turkish peoples' lands, to give these lands to some of the Allies who so desired them, and, to these two Commanders' respective troops, assembled, battle ready, and awaiting orders for the start of hostilities in October 1922, at Chanak in the Dardanelles, and, to fate, which joined these two commanders there, and, to their determination to avoid unnecessary bloodshed, and, to their remarkable contribution to British, Turkish and world peace, and, to their will to not spend their soldiers' lives in folly, and, to reach the honourable, the just and the true, by their negotiated armistice, agreed and signed on, October 11, 1922 as the *Armistice of Mudanya*, and, to

Canadian-born, Andrew Bonar Law who became Prime Minister of Britain on October 23, 1922, and who served for seven months, and who passed away on October 30, 1923, and, to his great commitment to the British-Turkish peace in what the British, the Dominions and Canadians called the *Chanak Crisis* or the *Chanak Affair*.

She said: Honourable senators, one hundred years ago, the Great War began. Today, I uphold two great soldiers who served in and survived it. Both generals and commanders, they were gifted in the art of war. They shared the duty of service and care of their soldiers' lives. One was English, the other Turkish. In 1922, battle drawn, and on opposite sides, fate joined them at Chanak, now Çanakkale, a Dardanelles seaport. This Chanak Affair was the result of the Allied victors' bad decisions at their 1919 Paris Peace Conference, mainly their unjust stillborn Treaty of Sèvres, with the defeated Ottoman Sultan. These two men's faithfulness is legend, as was their moral and mental stamina. Both were determined to avoid unneeded bloodshed and to reach a just peace.

Honourable senators, I speak of British General Charles Harington, the Commander-in-Chief of the Allied occupation army in Constantinople, and the Turkish General Mustafa Kemal, the leader of the Turkish peoples' national resistance to the Sèvres Treaty's efforts to partition the Turkish peoples' region of the defeated Ottoman Empire, to subject them to British, Italian, French and Greek rule, called mandates. These men never met, but shared their mutual respect. They gave much to humanity and peace in the Near East. Today I remember them. Canadian Margaret MacMillan, in her book *Paris 1919*, wrote, at page 448:

> . . . the last stage of peacemaking in Turkey started with war.

About the Paris Peace Conference decisions, she said:

> Allied policies were confused, inept and risky — and created the ideal conditions for Turkish nationalism to flourish.

Honourable senators, Mustafa Kemal and his National Assembly in Ankara were the de facto government of a new Turkey that had shed its Ottoman past.

The Hon. the Speaker *pro tempore***:** Colleagues, I know the hour is late, but I would ask you to direct your attention to Senator Cools.

Senator Cools: Allied actions to take Smyrna, Constantinople, and the straits from the Turkish peoples drove them to resist the loss of their lands and homes. Inspired by President Woodrow Wilson's self-determination of nations, they, led by Mustafa Kemal, fought to defend their lands as Allied British, Italian, French and Greek forces landed to occupy them as spoils. Prime Minister Lloyd George, deaf to their self-determination, was firm in his deadly march to war, in his Chanak Affair. Politics' mighty hand stopped him. It forced his resignation and made way for peace, negotiated by Lord Curzon, whom he so scorned.

Honourable senators, in Chanak, British politics gripped Canada. On September 18, 1922, Lloyd George and Winston Churchill sent a telegram to Prime Minister Mackenzie King seeking Dominion troops to fight their Chanak war, to drive "the Turk," "one and all, bag and baggage," out of Europe. In this, Lloyd George was opposed by his cabinet, his foreign secretary, the Commons, his military leaders, King George, the press, and the British people, still mourning their sons lost to the Great War. They saw Chanak as Lloyd George's new war. In his 1969 book *The Chanak Affair*, former British M.P. David Walder wrote, at page 83:

> The British generals, like the Conservatives in government and in parliament, were all . . . pro-Turk, partly because they respected them as soldiers, . . .

Honourable senators, when Prime Minister Robert Borden had signed the failed Sèvres Treaty — many knew its defects — Walder wrote, at page 286:

> By the London Conference the Allies had admitted that the Treaty of Sèvres needed revision, and that Kemal's government was entitled to have a say in that process. . . . That the new Turkish government should have Constantinople had been conceded.

Canada's action to send no troops to Chanak ended Lloyd George's Coalition-Government. Canada's politics helped resolve British political conflict and brought British peace with the new Turkey. Chanak peace loomed large in the Conservative Caucus decision at the Carlton Club on October 19, 1922. There Conservative members voted to end their coalition with Liberals, and Lloyd George's tenure in office. The road from his Dominions' cable to this vote was short, but certain for British-Turkish peace.

Honourable senators, a great Canadian in these times, Max Aitken, Lord Beaverbrook, in his book *The Decline and Fall of Lloyd George* cites Frances Stevenson, Lloyd George's secretary, and later wife, on this doomed cable, at page 160:

> One morning . . . [September 15] my door opened and L.G. [Lloyd George] and Churchill walked in from the Cabinet room. L.G. asked me to take down from Churchill the text of what I realised was to be a statement asking the Dominion Governments for their support in the event of a war with Turkey. I was horrified at the unwisdom of the message, conveying as it did the prospect of renewed warfare on a grand scale. L.G. and Churchill took the draft back into the Cabinet room, . . . Shall I send L.G. in a note warning him against such an action? I thought. But then again, I thought, he will never agree to such a telegram being sent. The next thing I knew was that the telegram had gone. It was one of the factors which helped to bring the Coalition Government to an end, and within a fortnight it had fallen.

• (1850)

Honourable senators, Beaverbrook wrote, at page 206:

> The closing incident of the drama of the great war leader was a display of strength which was an extraordinary example of weakness. War on Turkey with the possibility of

> war with France too. . . . Many of his followers deserted him at this hour because they believed his real object and purpose was that of personal advantage.

On the new Prime Minister, Canadian Andrew Bonar Law, Beaverbrook said, at page 205:

> "The King sent for Bonar Law." It was the second time in eight years. On the first occasion he stood down in favour of Lloyd George. On the second occasion he succeeded that statesman.

Days later, in the November 15 general election, Canadian Bonar Law and his Conservatives won a clear majority, with a mandate for peace with Mustafa Kemal's new Turkey.

Mackenzie King's Chanak stand was well known. Walder notes Lloyd George's September 30 cabinet minutes, at page 295:

> The Cabinet expressed concern on, . . . the following: . . .
>
> Generally, as to the apparent progressive deterioration of our political position and prestige, particularly from the point of view of the Dominions, ...

Canada's, the Dominions' and India's concerns about Lloyd George's Chanak war were clear.

Honourable senators, Mustafa Kemal's defeat of the Sèvres Treaty is legend. His forces recaptured Turkish lands given by Lloyd George to some Allies, such as Smyrna, given to the Greeks. MacMillan writes on the Allies' changing leaders, the election defeats of Greece's Venizelos and Italy's Orlando, and the events that destroyed what was left — the little that was left — of the defective Allied Turkish policy. Her chapter 29 is titled "Ataturk and the Breaking of Sèvres." About the crumbling Allies' agreements, she writes, at page 450:

> In October 1921, France signed a treaty with Ataturk's government which provided for the withdrawal of all French forces from Cilicia in the south. France got economic concessions, while Ataturk gained something much more important — recognition by a leading power.

By the end of World War I, France and Britain were ready to go to war with each other like in the olden days.

Honourable senators, France, the Ottomans' financiers, hoping to recover their debts, was the first country to make peace with Kemal and was now ready to fight the British. French Premier Poincare withdrew his troops, as did the Italians. British forces alone faced Kemal's troops at Chanak. Bonar Law's Foreign Secretary, Lord Curzon, drafted the Treaty of Lausanne with Ataturk's trusted General Ismet Inonu. This set the new Republic of Turkey's borders. MacMillan notes at page 453:

> The Treaty of Lausanne was unlike Versailles, . . . and Sèvres, those products of the Paris Peace Conference. . . . Very little remained of the Sèvres terms. . . . Turkey's borders now included virtually all the Turkish-speaking territories, . . . The straits remained Turkish, but with an international agreement on their use. The old humiliating capitulations were swept away.

Honourable senators, now to General Harington's great battle prowess, and Mustafa Kemal, the commander with the eye for the key tactical position, who would seize the high ground and dominate the field, as at Gallipoli. These two commanders' wish not to waste soldiers' lives is legend. The first detachment of Turkish troops had advanced to the British line on September 23, 1922. The Turks did not open fire, but would not withdraw. At Chanak, both sides' troops nervously waited. Walder writes, at page 245:

> Thus for the first time at Chanak British and Turks had been on the knife edge of war. [. . .] The situation for Harington was as difficult as can be imagined. He himself was as determined as a man could be in his position that a war should not break out. Nevertheless as a soldier he had a duty to obey orders from London, and also a duty to his own men, whom he could not allow to be overrun by the Turks. At the back of his mind he was convinced that Mustapha Kemal did not want war with Britain, but obviously, from remarks made later in his own autobiography, he must have had some reservations about the attitude of the British government.

Walder said, at page 221:

> Harington intended, however, that the Turks should not be provoked, either by the soldiers under his command or by dangerous or impossible situations manufactured by politicians in Downing Street. . . . The danger lay in hasty actions, overbearing attitudes and inadequate means. The safe course, in Harington's view, was to attempt nothing beyond one's capabilities, but at the same time to give no encouragement to those Turks, less level-headed than Kemal, who might think that the Allies could be stampeded into the sea in the wake of the Greeks.

Walder wrote about Allied occupied Constantinople, at page 250:

> On the ground there the Turks outnumbered the British to an almost ludicrous extent. In addition in Constantinople, as Harington telegraphed, . . . 'we are living on a sort of volcano'. . . . Harington did not share Beatty's confidence that Constantinople could be defended entirely by the Navy.

And at page 282:

> The soldiers at Chanak had kept their heads, but the statesmen in Downing Street had pulled the trigger.

Honourable senators, Walder cites the September 29 cabinet cable ordering Harington to open fire, at page 281:

> It has therefore been decided by the Cabinet that the Officer Commanding the Turkish forces around Chanak is immediately to be notified that, if his forces are not

> withdrawn by an hour to be settled by you, at which our combined forces will be in place, all the forces at our disposal—naval, military, and aerial—will open fire.

Honourable senators, cabinet met on September 30, awaiting Harington's response. Walder cites and comments on Harington's telegram back to Lloyd George at page 296:

> 'I share,' said the General, 'the Cabinet's desire to end procrastinations of Kemal and I note the decision of Cabinet but I would earnestly beg that the matter be left to my judgment for the moment. There is no question of disaster or danger to British forces until Kemalists bring up serious force of guns and infantry.' Harington then went on to stress that he could defend his positions at Chanak. Therefore, he continued, 'To me it seems very inadvisable just at moment when within reach of distance of meeting between Allied Generals and Kemal which Hamid says will be in two or three days and Ankara government are penning their reply to Allied note that I should launch avalanche of fire which will put a match to mine here and everywhere else and from which there will be no drawing back. I have incessantly been working for peace which I thought was the wish of His Majesty's Government. To suppose my not having fired so far at Chanak has been interpreted as sign of weakness is quite wrong because I have been very careful to warn Hamid that I have the full powers of England behind me and that I shall not hesitate to use it if time comes. '. . . we are so far not at war with Kemal, ...' There had been no further Turkish advances at Chanak; in fact some troops seemed to have been drawn back. 'I look,' said Harington, 'upon situation as improving daily. . . . it is evident Kemalists have had orders not to attack. It was never dangerous. Will you at once confirm or otherwise whether my judgment is overruled. If Kemal's reply to my last request is unsatisfactory I am all in favour of issuing. He does not intend to attack Chanak . . . in my opinion.

An angry Lloyd George thought that Harington had disobeyed him, so he met with his Chiefs of Staff, Beatty, Cavan and Trenchard. They looked at the telegram and responded, "General Harington's telegram entirely alters situation."

Lloyd George tried to hurt Harington. Walder said, at page 298:

> Curzon was later to confide to Harington that . . . there had been a suggestion of passing a vote of censure on his conduct, a proposal he (Curzon) had been opposed. If it had happened the Lloyd George government would have found itself in a very curious position indeed, for on October 1st General Harington was informed that Mustapha Kemal would meet him at Mudania in conference with the other Allied generals.

Armistice was within reach.

Kemal, Harington and Lord Curzon never ceased to work for a just peace. They always understood — and it's very important that we take this point — they always knew that the sole power of British presence at Chanak was conquest, not morally or politically wise, and all were cautious about British aggression.

• (1900)

Honourable senators, on October 3, General Harington with two Allied generals, leaving for armistice talks with Kemal's General Ismet Inonu, sent a message to his anxious troops. Walder notes his words, at page 299:

> . . . He wishes all ranks to know how much the world has appreciated their self restraint under most trying circumstances.

The Hon. the Speaker: Order, please.

Senator Cools: May I have another few minutes?

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Cools: That was the British Commander-in-Chief Harington sending this to men who were at the battle lines drawn, for weeks.

On October 11, these generals signed the Armistice of Mudanya. They knew that no agreement meant war. Walder wrote at page 318:

> So ended Veniselos' dream of a Greek empire and Lloyd George's postwar foreign policy.

This armistice, honourable senators, was formed in the brave hearts of two great commanders — Charles Harington and Mustafa Kemal.

Honourable senators, the British press, mostly against this war, especially the *Daily Mail* and the *Daily Express*, praised Commander Harington. *The London Opinion* printed a cartoon reflecting British thought. Headed "The Soldier Peacemaker Holds back the Dogs of War," it depicted a tall Harington pulling back from a precipice, two large surging hounds, with the heads of Lloyd George and Winston Churchill. Walder quotes Lloyd George's last public statement, at page 360, that:

> Great men sometimes lose the reins and lose their heads.

Honourable senators, after the Carlton Club vote, the peaceful Canadian, Bonar Law, sent Lord Curzon to meet the same Turkish General Ismet Inonu about their Treaty of Lausanne, which was signed a year later. About their Lausanne masterpiece, MacMillan said, at page 454:

> . . . the treaty is still seen as modern Turkey's greatest diplomatic victory. In the autumn of 1923, the last foreign troops left Constantinople.

MacMillan ends her chapter on Ataturk and the Sèvres Treaty, with a tribute, at page 455:

> In 1993, on the seventieth anniversary of the Treaty of Lausanne, Ismet's son and Curzon's grandson laid a wreath together on Ataturk's grave.

Commanders Charles Harington and Mustafa Kemal served with honour and distinction. Forged in war, they brought peace and fraternity. We will remember them.

I thank honourable senators very much. Senator McCoy has asked me to take the adjournment in her name.

(On motion of Senator Cools, for Senator McCoy, debate adjourned.)

CHANAK CRISIS

INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of October 28, 2014:

> That she will call the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:
>
> To the unique political events, just four years after the Great War, known as the 1922 *Chanak Crisis,* or *Chanak Affair*, in which Canadian and British politics met in Canada's firm stand for its constitutional autonomy in its foreign affairs, war and peace, and, to Canada's Prime Minister, the Liberal, Mackenzie King's nationally supported refusal to yield to British Prime Minister David Lloyd George and his Colonial Secretary Winston Churchill's persistent demands for Canadian troops to fight a new war at Chanak, now Çanakkale, the tiny Turkish Dardanelles seaport, and, to this new war, wholly unwanted by Canadians and the British, still war-weary, and still mourning their fallen sons, and, to this looming war, the inexorable result of Prime Minister Lloyd George's unjust, inoperative and stillborn *Sèvres Treaty,* the peace treaty that began with war, and, its humiliating peace terms which would put the Turkish peoples out of their ancient lands in Eastern Thrace and Anatolia, and, to their successful nationalist resistance to this injustice, and, to Canada's role in the lasting peace that avoided this unnecessary and unwanted Chanak war, and, to British politics by which a single vote of the Conservative Caucus prompted the very necessary resignation of Prime Minister Lloyd George and his Liberal Coalition Government, and, to the ascendancy of Canadian-born British Prime Minister, Bonar Law, who himself had lost two sons to the Great War, and who was then the most respected man in Great Britain, and, to his Near East policy of peace.

She said: Honourable senators, again, I honour those who served and fell in the 1914-1918 Great War, and those who stopped the war in 1922 at Chanak. Chanak was Canada's stand for autonomy in its foreign affairs, war and peace, and a leap in Canada's constitutional relationship with the British Government, distinct from that with our King, George V. Canada claimed the power for itself and its parliament to make decisions respecting their sons and war. Chanak was about British Prime Minister Lloyd George's pursuit of ambition even to his own defeat. It was also about the value of soldiers' lives, Canadian soldiers' lives, being spent on ambition.

Honourable senators, Prime Minister William Lyon Mackenzie King and Canada's firm stand on Chanak led to full control over our foreign affairs. It emboldened and strengthened the other dominions. Mackenzie King's stand surprised Lloyd George and Colonial Secretary Winston Churchill, though the question was not new. Norman Hillmer wrote, in the *Canadian Encyclopedia,* second edition, Vol.1, at page 394:

> Chanak Affair, 1922, PM Mackenzie King's first major foreign policy test. Britain and Canada signed the Treaty of Sèvres with defeated Turkey after WWI, but the treaty was soon in shreds; by Sept 1922 nationalist forces controlled most of Turkey. British occupation troops were pinned down at Chanak (now Çanakkale), a small seaport on the Dardanelles. On Sept 15 Britain sent a telegram calling upon the Dominions to contribute soldiers in a demonstration of the Empire's solidarity against the Turks. The next day the request was made public, a breach of imperial etiquette and political good sense. To make matters worse, King heard from a Toronto *Star* reporter about the developing danger before he received the official British dispatch. King was noncommittal until Sept 18, when Cabinet agreed that only Parliament could decide such matters. The crisis quickly passed. King's detached attitude gave notice of his desire to disengage Canadian external policy from that of the British. Chanak, however, was not a revolution in Canadian affairs: prime ministers since Macdonald had been reluctant to involve Canada in imperial skirmishes which did not threaten Britain itself.

In 1885, Prime Minister John Macdonald would not send Canadian troops to Sudan to help the British. In his 1958 book, *William Lyon Mackenzie King,* MacGregor Dawson wrote, at page 415:

> Macdonald's refusal to be led into what he called "this wretched business" was forthright and even violent. He was not willing, he said, to have Canadian men and money sacrificed "to get Gladstone and Co. out of the hole they have plunged themselves into by their own imbecility."

Isn't that beautiful? We can actually visualize Sir John A. saying this. This was no surprise. Honourable senators, Canada's small population of about 7 million contributed and lost countless men to the Great War. The 1920 Treaty of Sèvres was the Allies' Paris Peace Conference peace treaty with the defeated Ottoman Empire. Having partitioned and divided the Ottoman Empire's vast lands, the Allies set out to divide the Turkish-speaking peoples' lands among some of the Allies. These Turkish peoples, in their nationalist resistance, defeated these attempts to occupy

their lands. In September 1922, after defeating the invading Greek forces in Western Anatolia, Mustafa Kemal's Turkish national troops and British troops under General Harington were battle ready at Chanak. The Chanak Affair showed that both Canada and Britain were not at risk from the Turkish peoples, who simply wanted their Turkish lands to remain one whole country. In this, Canada challenged Lloyd George's will to spend ours and British lives, when neither country was at risk from the Kemalists. Mackenzie King was firm that the decision to send our sons to this new unwanted war, so soon after our Great War losses, was our parliament's decision. As it was, at Chanak, no violence was done to a British soldier, and not a single shot was fired by a Turkish soldier. In his 1969 book, *The Chanak Affair*, David Walder notes, at page 284:

> The British had not one wounded man to show to prove Turkish 'aggression'.

The real crisis was the Dominions, mainly the senior Dominion Canada's political response to Lloyd George's September 15 cable, with its thoughtless press statement. Macgregor Dawson quotes it, at page 409:

> . . . that a communication had been sent to the Dominions "inviting them to be represented by contingents in the defence of interests for which they have already made enormous sacrifices, and of the soil which is hallowed by immortal memories of the Anzacs."

Honourable senators, when asked about this press statement, Prime Minister King had not yet even seen the cable. In Britain, many disturbed by the Chanak Crisis, supported Mackenzie King, whose prestige grew at home. In Lloyd George's Cabinet, it seems that only he and Winston Churchill had seen this press statement, prior to publication. MacGregor Dawson tells, at page 415:

> Lord Curzon . . . read the manifesto "with consternation." Mr. Bonar Law . . . was amazed at the recklessness of the appeal made without any previous consultation. Mr. Asquith described it as sounding "the double note of provocation and of panic."

It also alarmed France and Italy. Fretful that the British seemed to be speaking for him, French Premier Poincare withdrew his troops, as did the Italians. British forces alone faced Kemal's troops at Chanak. Canada's refusal to send troops was followed by the other dominions, South Africa, and also Australia, who had first agreed. Mackenzie King and Governor General Byng's stand not to send Canadians was news in the British press. David Walder wrote, at page 229:

> On September 18th, the Daily Mail, virulently against any possibility of war in the Middle East, carried the broad headline: "STOP THIS NEW WAR! Cabinet Plan for Great Conflict With the Turks. France and Italy against it. Extraordinary Appeal to the Dominions." The latter was more true than the leader writer knew, for since the initial rebuff Lloyd George and Churchill had tried again to persuade the Canadian government to make some show of solidarity with Britain. In his first reply Mackenzie King as well as pointing out the necessity of summoning the Canadian Parliament, had complained about the prior lack of consultation or even information. On the 19th September Lloyd George, seeming not to appreciate these points, again asked for an assurance of support. The reply, signed by Lord Byng, the Governor-General, was chilling in the extreme. "We have not thought it necessary to re-assert the loyalty of Canada to the British Empire."

• (1910)

Honourable senators, Mackenzie King met his cabinet three times on September 18. MacGregor Dawson quotes King's diary entry of that day, at page 410:

> I found all present, strongly against participation by Canada in sending of a contingent . . . We all agreed that to send a contingent parliament would have first to be summoned, . . . Cabinet agreed in this . . . all were inclined to feel whole business "an election scheme" of Lloyd George & Co.

David Walder noted, at page 230:

> Churchill's final appeal virtually went unanswered. . . . On the same day The Times was more diplomatic, . . . There was, however, no sympathy wasted on the British government, about which subject two days before, a leader writer had said, 'British Ministers have made mistake after mistake.'

The *Daily Mail* described Churchill's press statement as bordering upon insanity and of his and Lloyd George's beating their war drums. About Foreign Secretary, Lord Curzon, key to the Turkish peace but disliked by Lloyd George, David Walder said, at page 231:

> There was general agreement in other newspapers that Lord Curzon, . . . , was the man. The Times backed him . . .

Honourable senators, Mackenzie King's response to Lloyd George's cable for troops had large consequences in British politics. It led to the October 19 Conservative members' vote to end their support for the coalition government that had sustained Lloyd George in office. In her book, *Paris 1919*, Margaret MacMillan wrote at page 452:

> The Greek adventure in Asia Minor had already brought down Venizelos; now it destroyed his great patron, Lloyd George. The Chanak crisis was too much for a shaky coalition government. . . . When a new Conservative government under Bonar Law took office in November 1922, Curzon was reappointed foreign secretary. He left almost immediately for Lausanne, where the Turkish peace was now at last to be concluded.

The new British Prime Minister, Conservative Andrew Bonar Law, was a Canadian born in New Brunswick. Some years before, he had stood down for Lloyd George to be prime minister. Another Canadian, Conservative Max Aitken, the

great Lord Beaverbrook, was active then. A former cabinet minister, he was close to Bonar Law. Beaverbrook's 1963 book *The Decline and Fall of Lloyd George*, tells of British opposition to Lloyd George's Greek and Turkish follies, at page 162:

> There was much opposition in the country and no enthusiasm for any ventures abroad in the House of Commons, Press or Army. Though the populous Dominions had failed to respond to the call for contingents, yet the Ministers appeared to be fixed and settled in their purpose to discipline the Turks and if necessary to go to war.

Honourable senators, now to our Governor General's reply to Prime Minister Lloyd George. Lord Byng, recorded in *Documents on Canadian External Relations*, volume 3, page 79:

> Canadian public opinion confirms belief expressed in our previous message that such action as Canada should take with respect to situation which has arisen in Near East must be determined by Parliament. We have not thought it necessary to reassert the loyalty of Canada to the British Empire. You may rest assured that, should it become necessary to summon Parliament, Canada, by decision of its Parliament, will so act as to carry out full duty of the Canadian people.

Only Canada and South Africa upheld parliament's role. David Walder wrote, at page 215:

> Mackenzie King replied in very clear terms . . . that his countrymen had no wish to be embroiled in a new war and that even if any military action were contemplated the Canadian Parliament would have to be consulted first. This broad hint was apparently lost on the British Cabinet, which had shown no indication so far of wishing to recall the British Parliament so that its views might be ascertained.

Honourable senators, I cannot develop all of this, but there was great unanimity in the parties, such as the Progressive Party, and other parties in the house behind Mackenzie King. Canadian opinion was united. Six months later, February 1, 1923, Mackenzie King spoke in the House of Commons. He cited his Monday, September 18, 1922, press statement, at page 32 of Commons Debates:

> It is the view of the government that public opinion in Canada would demand authorization on the part of Parliament as a necessary preliminary to the dispatch of any contingent to participate in the conflict in the Near East. The government is in communication with members of the cabinet at present in Europe as Canada's representatives at the League of Nations, and with the British government, with a view to ascertaining whether the situation that exists in the Near East is one which would justify the summoning of a special session of Parliament.
>
> I informed the British government that our cabinet would hold daily sittings, if necessary, that we would be pleased to receive the fullest information; in particular that we wished to be informed whether in their opinion it was desirable that the Canadian parliament should be called to consider this important matter. The reply which was received to this communication was to the effect that the British government saw no necessity for the summoning of parliament.

Mackenzie King noted his ministers in Geneva, including Ernest Lapointe, who kept him well informed of events in Britain and Europe. In addition, Canada's High Commissioner in London had early on told Prime Minister Mackenzie King of British press resistance to all war measures. In Geneva, Arthur James Balfour reported daily to his British cabinet on Dominion concerns.

Honourable senators, on May 16, 1923, Joseph-Éloi Fontaine, M.P., told of the unity in public support of Canada's stand. He said at page 2815 of Commons Debates:

> I also want to thank the right hon. the Prime Minister for having had the courage to refuse the invitation of Mr. Lloyd George, then Prime Minister of England, to take part in the war which seemed impending with Turkey. It was more than time that someone put an end to this excess of imperialism. The whole Canadian nation, the entire press of Canada approved the Prime Minister's conduct in this matter; there was but one critic, one dissenting voice, that of the right hon. Leader of the Opposition.

Honourable senators, there is something in a moral and principled stand that uplifts the public discourse, bringing clarity and courage to those who need it. Canada's stand did this. It had a large impact in the war theatre and on the minds of the soldiers at Chanak, on the British political set and on the public. It prevented war and countless deaths. It quickened those who wanted a better British foreign policy on the new Turkish country and its leader Mustafa Kemal, who for years with the Grand National Assembly at Ankara and their National Pact had been the de facto government, having never agreed to the Sèvres Treaty. Margaret MacMillan notes, at page 451:

> The collapse of the Greek army left the small Allied occupation forces in Constantinople and guarding the straits suddenly exposed. As Ataturk's forces advanced north toward the Sea of Marmara and Constantinople, the British government decided that it must stand firm at Chanak and Ismid on the Asiatic side. It called on the British Empire and its allies, but little beyond excuses and reproaches came back. Of the dominions, only New Zealand rallied to the flag. The Italians hastily assured Ataturk of their neutrality. The French ordered their troops out of Chanak. . . .
>
> Lloyd George was for war, but cooler heads, including Curzon's and those of the military on the spot, finally prevailed. Ataturk was at last ready for negotiations. The armistice of Mudanya, of October 11, provided for the Turks to take over eastern Thrace from the Greeks. In return, Ataturk promised not to move troops into Constantinople, Gallipoli or Ismid until a peace conference could decide their fate.

The Hon. the Speaker: Is the Honourable Senator Cools asking for more time?

Senator Cools: May I have five minutes?

Hon. Senators: Agreed.

Senator Cools: Thank you, honourable senators.

• (1920)

This was such a stunning victory, in those days, for Canada.

Honourable senators, in Lloyd George's resignation, Britain's new Prime Minister, Andrew Bonar Law, set Britain on a peaceful course. With Charles Harrington and Mustafa Kemal's armistice done, Lord Curzon left to negotiate the peace with Mustafa Kemal's new Turkey. Their lasting Treaty of Lausanne, signed on July 24, 1923, was modern Turkey's greatest victory. This founding document of the new Turkey is the only surviving Great War peace treaty. With the great fanfare and 400 delegates from Britain and the empire in Paris, this is the only treaty that survived and is still in force.

Canadians at home and abroad in Britain were forces for peace with the new Turkey and its President, Mustafa Kemal. Canada gained international respect for fairness in these years. Many think it was later, but it was in those early years.

The British Empire's non-White peoples looked to Canada. As a child in Barbados, I heard of Lloyd George's damage to Liberals and his poor attitude to British coloured peoples. This was talked about a lot when I was a little girl. Margaret MacMillan related at page 44:

> . . .in the offhand way of his times, he considered Indians, along with other brown-skinned peoples, to be inferior.

Honourable senators, this was significant. India had sent 1,250,000 soldiers to the Great War. Prime Minister Mackenzie King's stand was well known in Britain, which thought that the Turkish people's lands should be their own. Canada was very isolationist at the time, just like the U.S. Canada, then isolationist, and still mourning its lost sons, wished no part in Chanak's war. This war was avoided by politics in one swift vote. Our Parliament was never asked for troops to rout the ancient occupants, the Turkish people, from their own lands. Politics worked. War was avoided by the success of politics.

In peace, we will remember them. I want to thank honourable senators. I recognize that I have a great love of these questions. I also believe that we have a duty to Canada and to history to remember the great contributions that those who went before us have made. Prime Minister Robert Borden shone like a star at the 1919 Paris Peace Conference. Those were the years when Canada began to acquire its international reputation for justice and fairness. It was not in 1956. It was sooner. I grew up hearing a lot about British Liberalism and the damage that Lloyd George had done to the British Liberal Party, as he literally destroyed it, and displaced Herbert Asquith.

In any event, there is more to come. I shall call these my Turkish quartet for Remembrance Day. I thank you. It is a beautiful story to stop a war.

(On motion of Senator Meredith, debate adjourned.)

(The Senate adjourned until Wednesday, November 5, 2014, at 1:30 p.m.)

APPENDIX

ADDRESS

of

His Excellency François Hollande

President of the French Republic

to both Houses of Parliament

in the

House of Commons Chamber,

Ottawa

on Monday, November 3, 2014

His Excellency François Hollande was 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): I invite the Right Honourable Prime Minister to introduce the President of the French Republic.

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

Mr. President of the French Republic, yesterday I had the pleasure of welcoming you to Alberta, my home province. Today, we are very honoured to welcome you to our Parliament.

Before reaching the highest office in your country, you, too, lived the life of a parliamentarian for nearly 20 years. We are therefore very touched to have you with us this morning. On many occasions since you were elected president in 2012, I have personally appreciated your wisdom and courage during a time when the global economy has been in serious turmoil. As you know, we are not out of the woods yet.

[*English*]

However, Mr. President, your presence here with a large and important business delegation, as well as the recent conclusion of the Canada-European Union Comprehensive Economic and Trade Agreement, show the world that we are determined together to move forward in creating jobs, growth, and prosperity for our citizens.

[*Translation*]

I also find it reassuring to know that our countries have modelled enlightened collaboration based on shared values during these difficult global times. Our discussions in Banff confirmed that, internationally, Canada and France share the same commitment to multilateralism, democracy, human rights and good governance.

We also confirmed the vitality of the enhanced cooperation agenda, which we developed last year. The agenda covers the economy, defence, political dialogue, culture, academics and science.

Happily, we also share the same perspective regarding the major international security issues on which France and you, Mr. President, are global leaders. The tragic events that took place just steps away from here less than two weeks ago reminded us that even our most sacred democratic institutions are not immune to murderous rampages inspired by terrorist movements. Your country also recently bore the pain of the cruel and senseless murder of two of your citizens in Algeria, an act we deplored and condemned.

I am therefore pleased that we had the opportunity yesterday to strengthen our resolve and revisit our strategy to eradicate the most virulent centres of the terrorist scourge, particularly on Iraqi territory, where both of our air forces are engaged.

In addition to discussing the jihadist threat in several countries, we also talked about the brazen aggression by Vladimir Putin's troops in Ukraine, as well as other urgent matters: climate change and the terrifying spread of the Ebola virus in West Africa. We are committed to working on these challenges together.

[*English*]

These will, of course, Mr. President, only add to the long and proud history of Canada and France working together for common values and against the great threats to our civilization. Just over four months ago, on a Normandy beach, with more than 20 other heads of state and government, you and I celebrated the 70th anniversary of the Allied landing, the beginning of the end of the Nazi oppression of Europe. To us Canadians, that anniversary, along with the centennial of the start of the First World War this year, remind us, with a solemn pride, that a young country on two occasions did not hesitate to come to the aid of the old continent from which most of its population originated.

More recently, we also took part in the G7 summit in Brussels and then in the NATO meeting in Wales. These recent meetings, one inspired by historic collaboration and the other concerned with the challenges of the present and the future, are, I believe, a clear demonstration that the relations that join Canada and France are both long-standing and far-reaching.

[*Translation*]

Mr. President, compared to Europe, which is so much older, Canada may seem like a young country. However, France and Canada's shared history began nearly five centuries ago, when Saint-Malo explorer Jacques Cartier arrived on our shores. He was the one who chose the name Canada for these lands, which were still unknown to Europeans at that time. Ever since, the great journey of the French language in North America has continued. I can assure you, Mr. President, that all Canadian francophones feel the same pride in and the same hope for their language, culture and institutions that your ancestors felt when they came here.

All Canadians are grateful for the friendship and solidarity you have shown us with your visit to Canada.

I now have the privilege of inviting you to address this chamber.

Dear friends, Mr. President François Hollande.

[*Applause*]

H.E. Mr. François Hollande (President of the French Republic): Mr. Prime Minister, my friend Stephen, Mr. Speaker of the Senate, Mr. Speaker of the House of Commons, honourable parliamentarians, I am very touched by your warm welcome.

You do France a tremendous honour by allowing me to speak here today, to address your Parliament, the seat of democracy, which was defiled on October 22 by a terrorist-inspired attack whose ultimate goal was to attack the very idea of freedom, which this Parliament represents.

I salute the courage of Kevin Vickers, who is now known all across the world. I wish to assure the people of Canada that France stands in solidarity with you following the terrible ordeal you have endured. I reassert here that in the face of terrorism, there is no room for backing down, for concession, for weakness, because terrorism threatens the values on which both our countries are built. That is why France and Canada are working together to take up our responsibilities for global security.

Ladies and gentlemen, Canada and France have an unwavering friendship, which has a long history, as you mentioned, Prime Minister. Just 400 years ago, a Frenchman from Charentes, Samuel de Champlain, crossed the ocean, travelled up the St. Lawrence and founded a new country, your country. He was the first Governor General of Canada. In 2017, we too will commemorate and celebrate the anniversary of the founding of Canada, the 150th anniversary of Confederation.

France and Canada are also united by the blood that was spilled and the alliance that was forged during the two successive world wars in the 20th century. Canada and Newfoundland came to France's side in the early days of both conflicts, in 1914 and in 1939.

France has war cemeteries. At commemorative sites such as Vimy, Hénin-Beaumont, Beaumont-Hamel and Dieppe, many ordinary French citizens become quite emotional as they remember the sacrifice made by these young Canadians, your forebears, who died for France. That is why I wanted to recognize nearly 600 Canadian veterans who took part in the landings in Normandy and Provence in 1944, to liberate France and Europe. I made them knights of the Legion of Honour.

In this very Parliament, in July 1944 — the war had not ended yet — General de Gaulle said that your support during what he called the dark days was proof positive of the friendship between France and Canada. That alliance has never been broken. It survived the Cold War and the conflicts in the former Yugoslavia, in Afghanistan, in Libya, today in West Africa, in Mali, and also in Iraq. Our air forces are fighting together in Iraq, not to make war, but to defend ideas that can lead to peace.

We remain united in defending democracy, peoples' longing for freedom, human dignity and women's rights around the world. Canada and France are members of the same family.

I will borrow one of your turns of phrase, Prime Minister, as I would never have pulled it off myself: Canada was born in French and therefore speaks French. This close interrelationship is manifested throughout Canada, from the Atlantic Ocean and ancestral Acadia to the dynamic francophone communities that have developed along the Pacific Ocean, in the Yukon and in the Northwest Territories. It is always a pleasure and a source of pride to hear French spoken in other countries and to hear French in Canada.

La Francophonie is not a relic of the past; it is an asset for the future. The younger generations understand that bilingualism is an opportunity and that French is the language of cultural excellence and also the language of economic development. Very soon, la Francophonie will account for one-third of the nations at the UN, with more than 700 million speakers as Africa has also chosen to belong to la Francophonie. The French language does not belong to France. French is the language of freedoms. French embodies values. French defends human rights, and that is why you have opened a human rights museum in Winnipeg.

Ladies and gentlemen of Parliament, last year during the Prime Minister's visit to Paris, Canada and France adopted an enhanced co-operation agenda centred on three priorities. The first was the simplest to identify: growth. Growth is important for both the Americas and Europe. To achieve growth, there has to be trade between our two continents and between our two countries.

Trade between France and Canada is currently valued at $8 billion. France is Canada's eighth-largest trading partner and ninth-largest foreign investor. That is not where we want to be. We know that we can never be first, but second place is an achievable goal. We can therefore do more.

I am convinced that the economic and trade agreement that was signed between Canada and the European Union can help develop our trade. France was in favour of that agreement and set conditions on it. Audio-visual services had to be excluded and the origin and quality of our agricultural products had to be maintained. You were also concerned about this. However, now that the agreement has been signed, we must not waste any more time. We need to ratify and implement it.

Beyond the French language and culture, France also has a business presence in Canada. There are more than 550 French businesses in your country, which is still too few. I urge business leaders — and the ones who have accompanied me here firmly agree — to invest even more in Canada. I call on Canadians and the French to increase investments in our respective countries. The reforms I initiated two and a half years ago in France have created new opportunities, since they make it much easier to invest in France. I wanted to make my country more attractive; simplify procedures; lower labour costs; and support innovation, research and education. However, although France is making an effort, we cannot achieve this alone, which is why Europe must also take action.

Two years ago, when I met with the Prime Minister of Canada, Europe did not even know whether it would be able to protect its own currency. There was a serious risk that the Economic and

Monetary Union could break up, as countries were threatening to leave. Two years later, the Euro zone is strong and robust, but growth is weak.

The European Union is preparing to launch a major program to inject public and private investments into energy transition, infrastructure and new technologies. I invite Canada to contribute its expertise and to seize these opportunities as well, since we need growth, we need development and we need progress. We cannot allow young people, our youngest, to be the first victims of an economic system. The main purpose of an economy is to give young people the hope that they can live a better life, and that is what we need to work on now.

The world is facing new threats, as we have discussed. We share the same objectives within the Atlantic alliance with respect to our collective defence. When necessary, we work on foreign intervention. Canada gave us critical support from the very start of our involvement in Mali. For West Africa, knowing that people who might be physically far away from these conflicts were capable of working together to offer support and solidarity created a new connection between Africa and the countries that were providing support.

Our two countries are also engaged in Iraq. I can imagine the debates that took place here in this Parliament about an intervention in Iraq. France refused to take action in Iraq almost 10 years ago because we did not think it was fair to the rest of the world. Today, however, we are dealing with a terrorist movement that kills, murders, destroys villages, enslaves women and children and drowns them in wells. We cannot stand by and do nothing, remaining indifferent and thinking that this does not concern us.

There are always doubts about a foreign mission, and I share them. There are always questions. How long will it last? Do we really understand the implications of the mission? If we want to work together, and that is a must, we have to tell ourselves that this mission is going to take time and that it will take more than just a few air strikes. Air strikes will not bring about political solutions. We need to involve the local people and tell them that they need to eliminate terrorism and that our nations can support them and show them the way.

Our two countries are dealing with a phenomenon known as foreign fighters: lost, radicalized, manipulated individuals. They are a part of your world now. Most often, but not always, they are converts who were not necessarily detected or identified as potential threats. When they leave, they go through horrendous experiences. We have heard about what they witness or even participate in. When they come back, haunted by what they have seen, they may be tempted to recreate massacres in their home country. That is why we need to bolster the co-operation between our countries and our specialized services while respecting civil liberties. If we do away with civil liberties, terrorism has won another victory against democracy.

Last year, Canada introduced new legislation against terrorism. France has just done the same: monitoring social networks, preventing departures, fighting networks and keeping track of combatants when they return. However, as I have said, we must also seek political solutions to conflicts everywhere and facilitate international dialogue to provide perspective to all, including those who fight. This approach — tirelessly seeking a political solution while standing firm on respect for our principles and using force when necessary — applies to Ukraine as well. I know how concerned Canada is about that crisis. To over a million Canadians of Ukrainian origin, this challenge to the territorial integrity of what was once their country is a painful and upsetting experience. The sanctions we imposed in a coordinated fashion were and still are necessary, but they cannot be our only response. The goal is to convince Moscow and the separatists to back down and return to the table. The Minsk protocol was signed on September 5 of this year. That protocol should be followed in its entirety.

As part of what I called the "Normandy meetings", which finally took place on the very day we were celebrating the anniversary of D-day, Angela Merkel and I were able to bring together, for the first time, Mr. Poroshenko as the president of the Republic of Ukraine and Russia's President Putin. It was the first time such a forum could have taken place. It was followed by a number of meetings and discussions by telephone. I believe in this format, but it only works when it leads to political agreement.

There was an election — the initial election in Ukraine, the only one we recognize — followed by consultations in a tiny part of Ukraine, consultations that deserve consideration, but cannot be recognized as a separation. These were local elections with local consequences that call for dialogue. I call on President Putin to respect this framework .We should not recognize an election that could call into question the territorial integrity of Ukraine.

Ladies and gentlemen, there is also the issue of climate change. It is not just a challenge for the next 10 years. It is the challenge of the century. It is not a threat to one continent or a few islands here and there in the world. It is a threat to the entire planet. The temperature has risen by nearly one degree Celsius in the past 200 years and could rise by more than three degrees Celsius by the end of this century, with the consequences we know: melting glaciers and rising sea levels.

On November 1, the Intergovernmental Panel on Climate Change, or IPCC, an incontrovertible group of top scientific authorities, issued its fifth synthesis report and made an indisputable new finding: there is a direct link between global warming and the greenhouse gas emissions from human activity. Inaction would lead to unacceptable catastrophic consequences that we could no doubt live with, but our children and grandchildren could not. It is still possible to limit the increase in the planet's temperature to two degrees, which is significant enough, if we are able to reduce greenhouse gas emissions by at least 40% by 2030 and definitely by 2050.

The climate change conference is being held in Paris. I want to thank all the participants for making Paris the host of this conference. We were the only candidate.

There are two possible scenarios when there is only one candidate. Either it is not a real election or no one wants to take on that responsibility. We took it on. We took it on for the world, and we took it on because we want those who, like us, are aware that there is a danger, to be able to work together. This is not only a danger to our economies but also to our citizens.

France is capable of speaking to of the all countries in the world. That is a privilege that stems from our history, our diplomacy, our culture and the image people have of us. We are permanent members of the Security Council. We speak to all of the world leaders. We are telling them that the meeting will be

held in December 2015. I think that Canada, which is also undergoing this type of change and which is also making energy a part of its development strategy, particularly in the western provinces, will be fully committed to the fight against global warming. Canada wants to protect the environment, particularly in the Arctic. Canada wants to develop that region's resources, which are part of an ecosystem.

I met with the provincial Premiers, including the Premier of the Northwest Territories. That is a large land mass, like France, with a population of 55,000. It is a land abounding in natural splendour, with a rich history and promising future. The future of these territories also depends on the success of the climate conference.

There is another threat, which the Prime Minister spoke about, and that is the Ebola health threat. There again, I commend Canada for its efforts. France will focus on Guinea, which is a francophone country. Canada decided to join us by sending French-speaking volunteers. This is where the Francophonie can be useful because the people who are ill need caregivers who understand what they are saying and those caregivers must also be able to show and teach their patients what they need to do to get well.

The meeting that we had just this morning with Canadian and French academics and researchers shows that we are able to work together on the science side of things, at the highest level, to fight the virus, with tests and vaccine research. This is what France and Canada can do: we can send health care professionals to the affected countries to care for the sick while others remain here to prepare vaccines and find solutions for the future.

France and Canada will be attending the next Dakar summit in December and will give new impetus to la Francophonie. As you already know, a new secretary general will be appointed at the Dakar summit. I want that meeting to be productive so that we can provide more support for francophone youth, increase protections for francophone women's rights and develop new technologies in all francophone places. We want to build a Francophonie that is a cultural entity — which it is — and that can also be an economic entity.

French must unite researchers, creators and entrepreneurs in order to create a new economy for all countries where French is spoken or those where the people would like to speak French. La Francophonie also represents cultural diversity. Both your country and mine cherish French, which must be fiercely defended against uniformity, commodification and trivialization. Beware of languages that no longer resemble anything, false languages, bastard languages, invented languages and languages that are not even written anymore. We must also defend all languages. La Francophonie does not pit one language against another. La Francophonie is fighting for global cultural richness.

That is why we, the people of France, admire your culture, artists, singers, filmmakers, theatres and creators.

France has taken note of Canada's vibrant arts scene, in both French and English. Xavier Dolan, a 25-year-old creator, received great acclaim just recently in Cannes. Dany Laferrière has been made a member of the Académie française. Alice Munro won the Nobel Prize in literature. Every time your country achieves success, France, quite pretentiously, feels as though it can take some credit. Thank you.

Canada has also become a very attractive country for the French. More than 200,000 of my compatriots have chosen to spend a significant amount of time here. I believe that these visits help raise our profile and help us develop as a country. There is nothing to worry about. Moreover, France has nothing to fear from comparison, competition or, especially, openness. The experience that the French gain here benefits us, it encourages others to want to do the same, and it is useful to both Canada and France.

We even want to encourage this by means of mobility accords, which you call mobility agreements. I like the word "agreement" much better than the word "accord". To me, an accord implies that two parties have come to an understanding, whereas an agreement implies that there is a lifelong relationship. That is why we want to increase the number of permits awarded for working holidays and international volunteering, so that you can have more young French nationals here and we can have more young Canadians in France.

We also want France to be a very attractive destination for foreign students. Our country is already one of the most attractive to foreign students, but we need more Canadians. Part of the problem is that our post-secondary education system has not been considered to be compatible with yours. This morning, we increased the number of agreements between universities and research institutions and we set the bar high to ensure that there are more Canadian students in France and more French students in Canada. These scientific exchanges are very important for us. We were able to build the Canada—France—Hawaii telescope and are engaging in advanced astronomy as well as doing excellent research on neurodegenerative diseases. That is why I am so pleased to be making this state visit.

I see Canada as a friend, a young country that is open and proud of its diversity. Your population is growing every year. You are not afraid of immigration. You open your doors wide because you believe in your model of harmony and compromise. Guard it closely because every nation must be able to live in harmony. The strength of a nation lies in knowing its destiny and its future and in a growing population. France has the same demographic vitality. We are lucky to know that we will grow together and that we can live together, respecting one another but with rules that apply to everyone. That way, there is no ambiguity about the way of life we want to embrace and protect.

As you know, France has an exceptional, unique relationship with Quebec. That will not change. At the same time, France wants to work with all the provinces in Canada. I demonstrated that by going to Alberta, and I am open to any and all agreements with the provinces. Know that we have Quebec in our hearts, but that we also want to offer our sincere friendship to the rest of Canada.

I would like to close by saying that what has united us for centuries and unites us still today is culture, language and the economy, to be sure, but more importantly, the shared values that enable us to understand one another instantly, that allow us to guess what you are thinking and that ensure you always interpret what we say in a positive way. We respect each other as people.

We believe in progress, justice and the critical importance of respecting the planet. I believe in the strength of our friendship, in the vitality that drives us and in the things we can achieve together.

Canada has a special place in the hearts of the French. The Canada of yesteryear made us proud. The Canada of today inspires us to build still stronger ties. Let our friendship be capital for our economies, let it guard our safety, and let it give our youth hope.

Long live Canada and long live France.

[*Applause*]

Hon. Noël A. Kinsella (Speaker of the Senate): Speaker Scheer, Your Excellency President Hollande, Mr. Prime Minister, Honourable Senators and members, ladies and gentlemen.

On behalf of everyone gathered here today for this joint session of Canada's Parliament, I am honoured to thank you, Mr. President, for your speech.

Your thoughts and remarks highlighted the friendship that binds our two countries so closely. Before entering Parliament, you participated in a ceremony to lay a bouquet of flowers at the National War Memorial. I want you to know that we appreciate your support, Mr. President, in the wake of the tragic events that occurred in this very place on October 22.

Canada truly appreciates your condemnation of such a reprehensible terrorist act in this democratic institution. Canada is determined to maintain its commitment to the international coalition against the Islamic State. Thank you, Mr. President, for your remarks and your good advice.

Beyond issues of security and the fight against terrorism, Canada and France have opportunities to co-operate on many common causes. The contribution made by veterans to our history and heritage is one example. Remembrance Day is next week. The Senate of Canada is hosting a symposium called "Canada and France in the Great War 1914-1918", which will allow participants to reflect on the significance and consequences of that historic time for both of our nations.

As part of the activities to commemorate the Great War, the Parliament of Canada was supposed to welcome a delegation from the City of Arras on October 22. I had a meeting scheduled that day with the mayor, His Worship Frédéric Leturque, and the members accompanying him. The sudden, dramatic events that unfolded that day meant that they were not able to come to Parliament Hill.

Mr. President, Canada and France share a number of deep historic and cultural ties, but the City of Arras is of special significance to Canadians, particularly this year as we mark the centenary of the Great War. I am extremely proud every time we have visitors in our chamber and we tell them the story of the painting by Canadian artist James Kerr-Lawson that hangs in the Senate. The painting illustrates the ruins of the cathedral in Arras as they were in 1917. It is part of a collection of eight paintings commemorating Canada's participation in the First World War, including one depicting the arrival of the Canadian soldiers in Saint-Nazaire.

The historic ties shared by our two countries are represented in the Senate chamber by a number of symbols, including a stone sculpture of Joan of Arc and many depictions of the fleur-de-lys, which can also be found on Canada's coat of arms.

Thank you, Mr. President, for reaffirming, through your presence here today and your remarks, the history and the friendship that unite Canada and France.

[*Applause*]

Hon. Andrew Scheer (Speaker of the House of Commons): Your Excellency President Hollande, Prime Minister, Mr. Speaker of the Senate, Honourable Senators and members, ladies and gentlemen, it is a privilege and an honour to wish His Excellency François Hollande, President of the French Republic, a warm welcome to Parliament, the seat of our Canadian democracy.

[*English*]

The bilateral relationship between our two countries spans generations and is rooted in the French exploration of the New World centuries ago. This relationship has been nurtured by our common language and by the values we share. It has been strengthened as our men and women have fought and died side by side defending the freedoms that we together cherish.

[*Translation*]

This year we are celebrating the centennial of Canada's engagement in the Great War, the 75th anniversary of Canada's engagement in World War II, and the 70th anniversary of the D-Day landings in Normandy. During this important time in Canada's history, our two great countries stood proudly side by side. Today, our alliance has achieved an unprecedented strength. Just a few generations ago, our ancestors could never have imagined the scope of our joint efforts.

[*English*]

Our cultural linkages are also deeply rooted, from the contributions of Samuel de Champlain and Jacques Cartier, who helped unlock the secrets of the New World, to the cultural and societal contributions of the early French Catholic missionaries who founded cities, built hospitals, and spread the faith across the continent.

France's contributions to the catalogue of humanity's achievements are well known and respected by all nations of the world, including Canada. In art, music, sculpture, and literature, France has for centuries produced some of the world's most accomplished and most influential artists. As Canadians, we are proud to house here in our Parliament a work by the legendary sculptor Auguste Rodin, a cherished gift to Canada from the people of France.

Mr. President, you highlighted the importance of the trading relationship between Canada and France. As our two countries work to enhance that relationship, the words of the great French economist Frédéric Bastiat come to mind. He said that when it comes to trade, one nation's prosperity is a benefit to all others.

[*Translation*]

In closing, this morning, Mr. Hollande planted a tree at Rideau Hall. To me, this symbolic gesture is a reminder that over 400 years ago, France set out on a great adventure. It settled in the New World. From there a people took root in North America. Today, this Canadian francophonie is large and diverse, enriched by all the other cultures that make up the Canadian mosaic.

Here in Canada, we will not forget or ever fail to recognize the great gifts we have inherited from our French ancestors. In the cultural, linguistic and institutional context, France remains to this day a significant part of the Canadian identity.

On behalf of all the members of the House of Commons, I ask you to accept our most sincere thanks for the privilege of your visit this week, and for your speech here today.

Thank you.

[*Applause*]

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Claude Carignan, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Michel Patrice

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(November 4, 2014)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Bernard Valcourt	Minister of Aboriginal Affairs and Northern Development
The Hon. Robert Douglas Nicholson	Minister of National Defence
The Hon. Peter Gordon MacKay	Minister of Justice Attorney General of Canada
The Hon. Rona Ambrose	Minister of Health
The Hon. Diane Finley	Minister of Public Works and Government Services
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
The Hon. Peter Van Loan	Leader of the Government in the House of Commons
The Hon. Jason Kenney	Minister of Employment and Social Development Minister for Multiculturalism
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food
The Hon. Christian Paradis	Minister of International Development Minister for La Francophonie
The Hon. James Moore	Minister of Industry
The Hon. Denis Lebel	Minister of the Economic Development Agency of Canada for the Regions of Quebec President of the Queen's Privy Council for Canada Minister of Infrastructure, Communities and Intergovernmental Affairs
The Hon. Leona Aglukkaq	Minister of the Canadian Northern Economic Development Agency Minister for the Arctic Council Minister of the Environment
The Hon. Lisa Raitt	Minister of Transport
The Hon. Gail Shea	Minister of Fisheries and Oceans
The Hon. Julian Fantino	Minister of Veterans Affairs
The Hon. Steven Blaney	Minister of Public Safety and Emergency Preparedness
The Hon. Edward Fast	Minister of International Trade
The Hon. Joe Oliver	Minister of Finance
The Hon. Kerry-Lynne D. Findlay	Minister of National Revenue
The Hon. Shelly Glover	Minister of Canadian Heritage and Official Languages
The Hon. Chris Alexander	Minister of Citizenship and Immigration
The Hon. Kellie Leitch	Minister of Labour Minister of Status of Women
The Hon. Greg Rickford	Minister of Natural Resources Minister for the Federal Economic Development Initiative for Northern Ontario)
The Hon. Maxime Bernier	Minister of State (Small Business and Tourism, and Agriculture)
The Hon. Lynne Yelich	Minister of State (Foreign Affairs and Consular)
The Hon. Gary Goodyear	Minister of State (Federal Economic Development Agency for Southern Ontario)
The Hon. Rob Moore	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John Duncan	Minister of State and Chief Government Whip
The Hon. Tim Uppal	Minister of State (Multiculturalism)
The Hon. Alice Wong	Minister of State (Seniors)
The Hon. Bal Gosal	Minister of State (Sport)
The Hon. Kevin Sorenson	Minister of State (Finance)
The Hon. Pierre Poilievre	Minister of State (Democratic Reform)
The Hon. Candice Bergen	Minister of State (Social Development)
The Hon. Michelle Rempel	Minister of State (Western Economic Diversification)
The Hon. Ed Holder	Minister of State (Science and Technology)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 4, 2014)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujjuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Charette-Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
James S. Cowan	Nova Scotia	Halifax, N.S.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothesay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.

Senator	Designation	Post Office Address
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Asha Seth	Ontario	Toronto, Ont.
Ghislain Maltais	Shawinegan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas Johnson McInnis	Nova Scotia	Sheet Harbour, N.S.
Tobias C. Enverga, Jr.	Ontario	Toronto, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 4, 2014)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Conservative
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Conservative
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Charette-Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Enverga, Tobias C., Jr.	Ontario	Toronto, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, Noël A., *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinegan	Quebec City, Que.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Independent (PC)
McInnis, Thomas Johnson	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Seth, Asha	Ontario	Toronto, Ont.	Conservative
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothesay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent
Watt, Charlie	Inkerman	Kuujjuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
White, Vernon	Ontario	Ottawa, Ont.	Conservative

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(November 4, 2014)

ONTARIO—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Anne C. Cools	Toronto Centre-York	Toronto
2	Colin Kenny	Rideau	Ottawa
3	Marjory LeBreton, P.C.	Ontario	Manotick
4	Marie-P. Charette-Poulin	Northern Ontario	Ottawa
5	David P. Smith, P.C.	Cobourg	Toronto
6	Jim Munson	Ottawa/Rideau Canal	Ottawa
7	Art Eggleton, P.C.	Ontario	Toronto
8	Nancy Ruth	Cluny	Toronto
9	Nicole Eaton	Ontario	Caledon
10	Irving Gerstein	Ontario	Toronto
11	Linda Frum	Ontario	Toronto
12	Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
13	Salma Ataullahjan	Toronto—Ontario	Toronto
14	Don Meredith	Ontario	Richmond Hill
15	Asha Seth	Ontario	Toronto
16	Vernon White	Ontario	Ottawa
17	Tobias C. Enverga, Jr.	Ontario	Toronto
18	Thanh Hai Ngo	Ontario	Orleans
19	Lynn Beyak	Ontario	Dryden
20	Victor Oh	Mississauga	Mississauga
21			
22			
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Charlie Watt	Inkerman	Kuujjuaq
2	Jean-Claude Rivest	Stadacona	Quebec
3	Pierre Claude Nolin	De Salaberry	Quebec
4	Céline Hervieux-Payette, P.C.	Bedford	Montreal
5	Serge Joyal, P.C.	Kennebec	Montreal
6	Joan Thorne Fraser	De Lorimier	Montreal
7	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
8	Dennis Dawson	Lauzon	Ste-Foy
9	Michel Rivard	The Laurentides	Quebec
10	Patrick Brazeau	Repentigny	Maniwaki
11	Leo Housakos	Wellington	Laval
12	Suzanne Fortin-Duplessis	Rougemont	Quebec
13	Claude Carignan, P.C.	Mille Isles	Saint-Eustache
14	Jacques Demers	Rigaud	Hudson
15	Judith G. Seidman	De la Durantaye	Saint-Raphaël
16	Pierre-Hugues Boisvenu	La Salle	Sherbrooke
17	Larry W. Smith	Saurel	Hudson
18	Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
19	Ghislain Maltais	Shawinegan	Quebec City
20	Jean-Guy Dagenais	Victoria	Blainville
21	Diane Bellemare	Alma	Outremont
22			
23			
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SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Wilfred P. Moore	Stanhope St./South Shore	Chester
2	Jane Cordy	Nova Scotia	Dartmouth
3	Terry M. Mercer	Northend Halifax	Caribou River
4	James S. Cowan	Nova Scotia	Halifax
5	Stephen Greene	Halifax - The Citadel	Halifax
6	Michael L. MacDonald	Cape Breton	Dartmouth
7	Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning
8	Thomas Johnson McInnis	Nova Scotia	Sheet Harbour
9			
10			

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton
2	Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
3	Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
4	Pierrette Ringuette	New Brunswick	Edmundston
5	Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
6	Percy Mockler	New Brunswick	St. Leonard
7	John D. Wallace	New Brunswick	Rothesay
8	Carolyn Stewart Olsen	New Brunswick	Sackville
9	Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
10	Paul E. McIntyre	New Brunswick	Charlo

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	The Honourable		
1	Elizabeth M. Hubley	Prince Edward Island	Kensington
1	Percy E. Downe	Charlottetown	Charlottetown
2	Michael Duffy	Prince Edward Island	Cavendish
4			

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Janis G. Johnson	Manitoba	Gimli
2	Maria Chaput	Manitoba	Sainte-Anne
3	Donald Neil Plett	Landmark	Landmark
4			
5			
6			

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Mobina S. B. Jaffer	British Columbia	North Vancouver
2	Larry W. Campbell	British Columbia	Vancouver
3	Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
4	Yonah Martin	British Columbia	Vancouver
5	Richard Neufeld	British Columbia	Fort St. John
6			

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	The Honourable		
1	A. Raynell Andreychuk	Saskatchewan	Regina
2	David Tkachuk	Saskatchewan	Saskatoon
3	Pana Merchant	Saskatchewan	Regina
4	Lillian Eva Dyck	Saskatchewan	Saskatoon
5	Pamela Wallin	Saskatchewan	Wadena
6	Denise Leanne Batters	Saskatchewan	Regina

ALBERTA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Claudette Tardif	Alberta	Edmonton
2	Grant Mitchell	Alberta	Edmonton
3	Elaine McCoy	Alberta	Calgary
4	Betty E. Unger	Alberta	Edmonton
5	Douglas John Black	Alberta	Canmore
6	Scott Tannas	Alberta	High River

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	The Honourable		
1	George Furey	Newfoundland and Labrador	St. John's
2	George S. Baker, P.C.	Newfoundland and Labrador	Gander
3	Elizabeth Marshall	Newfoundland and Labrador	Paradise
4	Fabian Manning	Newfoundland and Labrador	St. Bride's
5	Norman E. Doyle	Newfoundland and Labrador	St. John's
6	David Wells	Newfoundland and Labrador	St. John's

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Daniel Lang	Yukon	Whitehorse

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Tuesday, November 4, 2014

Published by the Senate

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