SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 141

OFFICIAL REPORT
(HANSARD)

Wednesday, May 13, 2015

The Honourable LEO HOUSAKOS
Speaker

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: 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

Wednesday, May 13, 2015

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

Prayers.

SENATORS' STATEMENTS

GENOCIDE

Hon. Nancy Ruth: Honourable senators, Brad Butt has introduced Private Member's Motion M-587 to be voted on tomorrow, May 14. The motion recognizes a number of genocides and calls on the government to honour the victims of all genocides by recognizing the month of April as Genocide Remembrance, Condemnation and Prevention Month and to acknowledge the associated commemorative days.

But I want to point out two things. First, forgotten from this genocide list is the massive genocide of several million women during the European Middle Ages at the time of the Inquisition and the persecution of witches.

Second, the issue of the 1915 war tragedies between Turkey and Armenia has preoccupied both houses of this Parliament long enough. Each time, it has strained the relations between Canada and Turkey, our NATO ally. On this issue, the Senate passed a resolution in 2002 and the House of Commons in 2004. Surely Canada's job now is to encourage the reconciliation efforts between Turkey and Armenia and the relations between Turkish and Armenian communities in Canada and not to take sides on this controversial issue.

We know that Turkey opposes labelling as genocide the Armenian suffering in the First World War. Genocide is a specific crime defined by international law. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide tells us what genocide is and how it can be ascertained. Only a competent international tribunal can determine whether an event is genocide, and such a tribunal has not been held on this matter. Such a court decision exists for the Holocaust and for Rwanda but not for the Armenian suffering.

The Standing Senate Committee on Foreign Affairs and International Trade studied this issue during its June 2013 study, *Building Bridges: Canada-Turkey Relations and Beyond*. From that study:

> The Committee suggests that Canada renew its efforts to urge reconciliation between Armenia and Turkey, noting the Zurich Protocols on the Normalization of Armenian-Turkish Relations as the best way forward. It further suggests that an accelerated and consistent dialogue at the political level will help Canada and Turkey move forward, both diplomatically and commercially.

If MP Butt proceeds with this motion, he should remove all references to the Armenian genocide until this tragedy has moved to the conclusion of an international tribunal.

JACK SADDLEBACK

Hon. Lillian Eva Dyck: Honourable senators, on March 26, Jack Saddleback was elected as the University of Saskatchewan Students' Union president. Jack is the third Aboriginal students' union president and the first transgender students' union president at the university. Upon his election, he said:

> The fact that people don't think of me as just a trans man, don't think of me as just a First Nations man. They see all the skills that I have, they see the fact that I've put in work for a number of years and have been so invested in our university to make it a better place for all students.

Jack's platform included a significant plank dedicated to developing a mental health strategy on campus. Jack was named as one of the Faces of Mental Illness by the Canadian Alliance on Mental Illness and Mental Health in 2014. Through this campaign, Jack was able to share his experience and story with Canadians all across the country in an effort to crush the stigma of mental health issues. Jack is now bringing that message to the campus.

Understanding the pressures that university students are now facing, Jack wants to make sure students have the support and services to be treated for mental health illnesses, and to create a safe environment for these issues to be discussed.

I would like to congratulate Jack on his historic election and wish him all the best in his tenure as the president of the University of Saskatchewan Students' Union. Well done, Jack!

Hon. Senators: Hear, hear!

PAKISTAN

BUS ATTACK IN KARACHI

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today with a very heavy heart. Very early this morning, I awoke to the news that 43 innocent Ismaili Muslims who were riding a bus in Karachi, Pakistan, were senselessly gunned down by six armed individuals who were dressed in police uniforms. They were my brothers and sisters in faith.

Sixty-two people were on the bus on their way to a community centre when the gunmen boarded after cutting off the bus with their motorcycles. Once inside, the gunmen shot indiscriminately at the men, women and children. When the gunmen left, an injured individual drove the bus to a nearby hospital. By the time they arrived at the hospital, most of the passengers had died.

His Highness the Aga Khan, my spiritual leader, stated:

> This attack represents a senseless act of violence against a peaceful community. My thoughts and prayers are with the victims and the families of those killed and wounded in the attack.

Other leaders across Pakistan have expressed their absolute shock at this attack on the Ismaili Muslim community. The Prime Minister of Pakistan, Nawaz Sharif, called it "a deplorable attempt to spread chaos in Pakistan."

Honourable senators, the Ismaili Muslim community is one of the most peaceful and charitable communities in Pakistan. They are involved in a number of development projects across the country and work in all segments of society. Their roots in Pakistan are very deep, as they have inhabited that area of the world for hundreds of years. While the community is small, their positive impact on Pakistan is tremendous.

As an Ismaili Muslim and as a Canadian, my heart breaks for the victims of this attack and for their families. Many of those killed had Canadian family members. I understand that one Canadian has lost his father, mother and brother. I know you join me in sending our condolences to those Canadians. I know this chamber will join me in condemning this abhorrent attack on innocent individuals in Pakistan.

As mine are, I know your thoughts and prayers are with the victims and their loved ones in Pakistan and Canada. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a delegation from the Armenian community, led by His Excellency Armen Yeganian, Ambassador of Armenia, here in recognition of the Centennial of the Armenian Genocide. Accompanying him are: Mr. Aram Hakobyan, Armenian Embassy; Mr. Hagop Arslanian, Armenian Genocide Centennial Committee of Canada (Chair of political affairs subcommittee); and Mr. Apraham Niziblian, Armenian Genocide Centennial. They are the guests of the Honourable Senator Ngo.

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

Hon. Senators: Hear, hear!

• (1340)

ARMENIAN GENOCIDE

CENTENNIAL ANNIVERSARY

Hon. Thanh Hai Ngo: Honourable senators, this year marks the centenary commemoration anniversary of the Armenian Genocide perpetrated by the Ottoman Turkish Empire in 1915. It was the first genocide of the 20th century and it is sometimes referred to as the "forgotten genocide." It is estimated that between 1 million and 1.5 million Armenians were exiled or murdered by the Ottoman Empire.

In 1918, Theodore Roosevelt, referring to the Armenian Genocide which took place between 1915 and 1923, that:

> . . . the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it; because the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense . . .

Lessons drawn from the genocides of the 20th century have brought us to understand that history should not be forgotten but recalled. Any country that decides to suppress its past, any country that does not confront its past head on, seriously risks a failure to liberate itself from that part of the past. As of this day, the heinous crime of genocide remains unanswered because Turkey refuses to recognize it.

Honourable senators, Canada has not been indifferent to the atrocities committed during the Armenian Genocide. In 2002, the Senate passed Motion No. 44, recognizing the Armenian Genocide and condemning the atrocities that occurred during it. In 2004, the House of Commons voted in favour of Motion No. 380, recognizing the terrible suffering and loss of life endured by the Armenian people in 1915 as genocide, condemning it as a crime against humanity.

In 2006, Prime Minister Harper released an official statement recognizing the Armenian Genocide as a fact of history. Moreover, last month the House of Commons unanimously adopted Motion No. 587 that calls upon the Government of Canada to designate the month of April as Genocide Remembrance, Condemnation and Prevention Month.

[*Translation*]

Honourable senators, by formally recognizing the Armenian Genocide, Canada has remained true to the principles that it defends throughout the world. Canada has always been a leader when it comes to standing up for human dignity.

Today, we must promote justice, human rights, tolerance and peaceful coexistence among nations because that is the right thing to do.

It is important to remember and learn from the darkest moments in human history, to educate future generations and, by so doing, to ensure that such heinous crimes never happen again.

[*English*]

Elie Wiesel, a world-renowned author, said:

> An immoral society betrays humanity because it betrays the basis for humanity, which is memory. . . A moral society is committed to memory . . .

Honourable senators, it is my honour to speak before this chamber on the centennial anniversary of the Armenian Genocide and to reaffirm a strong commitment to Motion No. 44 as passed in June 2002. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Most Reverend Luigi Bonazzi, Papal Nuncio and the diplomatic representative of the Apostolic See in Canada. He is a guest of the Honourable Senator Eaton.

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

Hon. Senators: Hear, hear!

HONOURABLE JACQUES DEMERS

Hon. Donald Neil Plett: Colleagues, last night, we saw the defeat of the last Canadian team in the NHL playoffs. I was reminded that it had been 22 years since a Canadian team had won the Stanley Cup — 22 years since a Canadian team defended the honour of Canada's game.

Colleagues, the last time a Canadian team stepped up to the plate was in 1993 when our friend and colleague, coach Jacques Demers, led the Montreal Canadiens to a Stanley Cup victory.

Hon. Senators: Hear, hear!

Senator Plett: Todd Denault, in his commemorative book, writes:

> Demers gathered his team for the first time on the morning of September 8, 1992. Standing in front of his players, he boldly and unequivocally told them, 'they would surprise the world that season and win the Stanley Cup.'

Coach Demers knew he had a winning team that season, even as they hit a major slump in March and April. They ended up finishing the regular season behind their arch rivals, the Quebec Nordiques and the Boston Bruins. However, they made it into the playoffs.

In the first round of the playoffs Montreal faced the Nordiques and the Nordiques started with a two-game lead. But our coach fought back, winning game 3 in overtime. Nobody could have predicted the record that was about to be set.

The Canadiens went on to eliminate the Nordiques and the Sabres. They won seven straight games — five in sudden-death overtime. After defeating the New York Islanders, Montreal advanced to the Stanley Cup finals against Wayne Gretzky and the L.A. Kings. Canada's eyes were on the series. Would our iconic Montreal Canadiens be anointed the new champions, or would "The Great One" hoist the cup once again?

The Habs lost game one and were trailing one to nothing late in game two. Many feared the magical ride was over, but then the coach made the fateful decision. He called for a measurement of Marty McSorley's stick. The forum went silent. The crowd knew it was a huge gamble. If McSorley's stick was illegal, then the Kings would get a two-minute penalty. But if it was not illegal, the Habs would get the penalty.

It was suspected after that just maybe the coach has suspected McSorley's stick was questionable even before game one, but he waited for just the right moment to pounce. The forum was quiet. Kerry Fraser made the call. The stick was illegal. The place went crazy.

But the coach wasn't done yet. He pulled star goalie Patrick Roy from the net to give Montreal a two-man advantage. The Habs scored a goal, tied the game and sent it to overtime. Colleagues, Montreal won.

The Habs took the next three straight and won the series, four games to one, setting a record of 10 sudden-death overtime wins in the playoffs. It was the twenty-fourth cup for Montreal. They had never gone longer than seven years without winning a cup and they were the winningest team in professional sports history.

That is the coach's legacy: nerves of steel and a heart of gold. How Jacques Demers was not given a multi-year NHL contract after that season is a mystery to all of us. However, much to our benefit, Prime Minister Stephen Harper sought out the talents of this great Canadian, appointing him to the Conservative team, where he remains our champion.

Colleagues, please join me in honouring our friend, coach Jacques Demers.

Hon. Senators: Hear, hear!

Senator Demers: It always feels good to be applauded by the Liberals!

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 26, 2015 at 2 p.m.

HISPANIC HERITAGE MONTH BILL

FIRST READING

Hon. Tobias C. Enverga, Jr. introduced Bill S-228, An Act respecting Hispanic Heritage Month.

(Bill read first time.)

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

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

• (1350)

[*Translation*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, MARCH 10-11, 2015—REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Washington, D.C., United States of America, on March 10 and 11, 2015.

QUESTION PERIOD

CITIZENSHIP AND IMMIGRATION

FRANCOPHONE IMMIGRATION

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Leader, I am disappointed to have to once again ask you a question on an issue about which my colleagues and I have already posed many questions. I have to do so because this issue still has not been resolved.

Last week, the Commissioner of Official Languages published his annual report for 2014-15. It deals almost exclusively with the need for francophone immigration outside Quebec and anglophone immigration within Quebec. The commissioner did not make any new recommendations with regard to francophone immigration outside Quebec, but he reiterated the seven recommendations that he had already made in another report last year.

My question, Mr. Leader, is as follows, and I hope that you won't tell me again how much money has been allocated to the Francophonie and the roadmap under the action plan, because we know that there is funding set aside under the roadmap. My question is: How is that money being spent?

Are we to understand that the government will continue to ignore the commissioner's repeated recommendations? Can we finally expect to see some sort of follow-up with regard to francophone immigration outside Quebec or must we continue to settle for grand announcements followed by measures that discourage immigration in minority communities rather than promote it?

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator. As you know, the minister has been very clear about the four per cent target for francophone immigration outside Quebec. Our government has developed a plan for achieving that goal, and we are already seeing some tangible results, including the Express Entry system. We are taking note of the commissioner's recommendations.

We want to thank the commissioner for his report. We agree with his findings. In fact, our government takes its official languages responsibilities seriously. The proof is that our government's Roadmap for Official Languages is the biggest investment in the history of Canada in this area, with $1.1 billion in funding. It is undeniable. I know you don't like to hear figures like that, but the fact remains that it is the biggest investment ever in official languages.

I understand that these are not figures an adversary wants to hear. You would have preferred that a Liberal government make such an investment, but it was our Conservative government that did so, and we are very proud of our investment in and commitment to official languages, particularly with regard to francophone immigration.

Senator Chaput: Leader, you know that it doesn't bother me to hear those figures. I have acknowledged them many times in this chamber. The problem I have is that I am not convinced that the money your government is spending on immigration truly meets the needs of our official language minority communities. That is where I have a problem. Furthermore, I don't consider myself an adversary. On the contrary, we are all here in the Senate to do our jobs. We are not adversaries. We are colleagues, and we are all working toward a common goal. That's all.

Today, May 13, 2015, we received a press release from the Association franco-yukonnaise, which also hopes that the Government of Canada will act on the recommendations of the Commissioner of Official Languages.

Your government needs to help them and other official language minority communities by implementing a strategy to boost immigration, complete with targets. You just mentioned that the target is four per cent. The strategy must also include incentives to achieve that four per cent target. This calls for long-term incentives, particularly for employers, to encourage recruitment and selection.

For example, do you suppose that an English-speaking employer in Manitoba would be willing to hire an immigrant who speaks French and very little English if there are no incentives to help not only with retention, but also with training that employee? We are calling for long-term incentives for employers.

Will your government work with our official language minority communities to come up with incentives? Did I correctly understand your response earlier when you said that the Express Entry system is starting to produce results? Does that mean your government will add a francophone lens to the Express Entry system? Is that really the case? Is that what is happening now?

Senator Carignan: Thank you for your questions, senator. The minister has been very clear about the four per cent target for francophone immigration outside Quebec, and we have a plan to achieve that target.

As I said, we are already seeing results from Express Entry. We've taken note of the commissioner's recommendations, and we will continue to invest in francophone immigration. We are also working with the comprehensive action plan in the roadmap, with an investment in excess of $1.1 billion. That is the biggest investment in Canada's official languages in the history of our country.

Senator Chaput: Leader, if possible, could you provide me with a copy of the results that your government has finally obtained? There is an objective, a target, and now there are results. Could I please have a copy of those results?

Senator Carignan: Senator, I will take your question as notice and get back to you with an answer.

Hon. Claudette Tardif: I have a supplementary question. Leader, regardless of the investment made, it is the results that count. As a follow-up to the question asked by Senator Chaput, can you tell us how many francophones or French speakers have been admitted to Canada since the new Express Entry system was implemented in January 2015?

Some Hon. Senators: Hear, hear!

Senator Carignan: I will take your question as notice and try to answer it before the extended period of adjournment if possible.

[*English*]

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

NEW BRUNSWICK—SOCIAL ASSISTANCE

Hon. Lillian Eva Dyck: Honourable senators, my question is for the Leader of the Government in the Senate.

The Minister of Aboriginal Affairs, Minister Valcourt, has said that the federal government will cut welfare rates for New Brunswick's 15 First Nations.

• (1400)

With this cut, for example, a family of four on social assistance in the Eel Ground First Nation will go from getting $1,262 a month to merely $908 a month. A single person would see a drop from $828 a month to only $537. Those are about one-third cuts, or a 30 per cent to 35 per cent cut in welfare rates.

This cut is so egregious it will make it nearly impossible to make ends meet for those First Nations who are dependent on social assistance in New Brunswick and these cuts will effectively put them below the poverty line.

The response of the Minister of Aboriginal Affairs to this dire situation is that he thinks the First Nations' welfare system is "geared so as to encourage passiveness." He believes these cuts will push First Nations off welfare and he wants to direct the savings from these cuts to training and skills programs for Aboriginal people in New Brunswick.

Honourable senators, I would remind you that this cut would hit amongst the poorest of the poor in the country, where unemployment and illiteracy rates are substantially higher than in the rest of Canada.

Therefore, my question to the Leader of the Government in the Senate is: Does the government honestly think that by cutting welfare funding to First Nations in New Brunswick, cutting the money that provides for the bare essentials to sustain life, these Canadians, who can no longer afford a roof over their heads or put food on their tables, are going to be able to study and participate in these training programs under such dire circumstances?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, there were numerous elements to your question. Let me review the government's record on the health, safety and well-being of First Nations children in particular, who are a priority for this government. That is why we have chosen a prevention-based approach in the delivery of child and family services on reserves.

In 2012-13, our government invested nearly $630 million in child and family services on reserves, which represents an increase of 40 per cent since 2006, and we will continue to take action to ensure that children and families receive all the support they need to live safe, healthy lives.

In addition, regarding job creation and skills training for Aboriginal populations, our government, First Nations communities, chiefs and young adults all agree that First Nations youth should have the same opportunities as all Canadians when it comes to finding and keeping a job, so that they can enjoy the benefits of working.

We are taking concrete action to create the conditions needed to ensure that First Nations communities are more prosperous and more self-sufficient. That is why our government has invested in job creation and skills development. This will help increase First Nations' participation in the economy and improve the health of their members so that they can help build a stronger Canada.

These investments have allowed us to provide personalized supports to 4,000 First Nations young adults. This is a significant investment in skills development. I could also talk about the nearly $12 billion our government has invested in education since 2006, in order to support elementary and secondary education for First Nations.

Senator, we have done a great deal of work for First Nations in order to ensure that First Nations families and young people have the tools they need for a brighter future.

[*English*]

Senator Dyck: You say that children are a priority for this government. I find that a little hard to believe because the approximate savings on this cut for welfare for the 15 First Nations in New Brunswick works out to about $12 million annually. At the same time your government has allocated $13.5 million just for advertising Budget 2015 for two months. Where is the priority? It sounds to me like the priority is advertising your own government.

Do you really believe that spending $13.5 million on ads in just two months — ads which have proven to be somewhat ineffective — is a better use of government funding than helping First Nations children in New Brunswick to actually be able to get decent food so they have a tummy full of good food so they can actually learn in those schools?

[*Translation*]

Senator Carignan: Senator, this is no place for demagoguery. It is important to bring up the government's record. It is also important to advertise the government's policies so that as many Canadians as possible can take advantage of them.

We have economic action plans that lower taxes and improve benefits for families. I am talking in particular about the Universal Child Care Benefit. We cannot announce policies that will lower taxes and improve universal benefits for as many people as possible without ensuring that the people who are eligible are aware of the measures and can claim these benefits when applicable.

I think that our economic action plans make it clear that this is a government that is working very hard to balance the budget, making decisions, lowering taxes and investing in the future. I understand that you support a leader, Mr. Trudeau, who wants to increase taxes, bring us back into a deficit and cut services.

Some Hon. Senators: Oh, oh!

Senator Carignan: However, I think that's pointless. Canadians want to choose what to do with their own money. They don't want to pay more in taxes to have it invested in bureaucracy.

[*English*]

Senator Dyck: You talk about your government providing tax breaks and tax reductions. Well, people living on welfare are in no way going to be able to benefit from that.

Some Hon. Senators: Hear, hear.

Senator Dyck: The benefits to advertising do absolutely nothing for people on welfare. In fact, if anything, it will probably make them very annoyed by the fact that that money is being misspent when it could have gone to feeding their own children.

How can this possibly be the correct action for the government to take, to cut welfare to these poverty-stricken First Nations people in New Brunswick?

Senator Mitchell: He probably thinks they're going to put it in a tax-free savings account.

[*Translation*]

Senator Carignan: Senator, as I said, billions of dollars are allocated to Aboriginal people, especially for education. I will not repeat the figures. I know that you find it frustrating when I talk about the government's record. I don't want to add to your frustration. One thing is certain. As I mentioned, the government believes that Aboriginal communities and young families must have equal opportunities. The tools developed and the investments made by our government to promote job creation and provide education and skills training for Aboriginal youth are proof of that.

[*English*]

Senator Dyck: Thank you.

What's really interesting about this welfare situation in the Maritimes is that apparently the federal welfare rate for First Nation people on reserve is actually higher than the provincial rate. The minister decided that, since the federal rate was higher and the provincial rate is lower, he was going to drop it. That's fine and good; we will equalize it. However, when it comes to education, which you just brought up, it is the other way around. We all know the federal rates are lower than the provincial rates, but this government has resisted and refuses to remove the 2 per cent cap on education and put it at 4.5 per cent so that it becomes more equal.

• (1410)

Why is it that, when it is higher, it is okay to drop it, but, when it is lower, there's absolutely no way they're going to raise it?

[*Translation*]

Senator Carignan: It is disappointing to hear the opposition criticizing the government. Economic Action Plan 2015 provides $200 million over two years to improve education on reserves. It also provides $500 million over seven years for First Nations school infrastructure.

From your remarks, I can already see that you are planning to vote against Economic Action Plan 2015. I find it very disappointing to listen to you speak out of both sides of your mouth.

Some Hon. Senators: Oh, oh!

[*English*]

Hon. Wilfred P. Moore: My question is also for the Leader of the Government in the Senate. Leader, you just said that your policy is to create conditions necessary to assist First Nations children. Now, our job here in the Senate is to look after our regions, minorities, the most vulnerable, and I want you to

explain to me and everybody else here how sending kids to school not properly nourished, with empty tummies, is going to help them focus on education and become more fulsome participants in Canadian society. You tell me that.

[*Translation*]

Senator Carignan: Senator, I think I answered a question from Senator Dyck with regard to the government's record on education and skills training for Aboriginal youth. Economic Action Plan 2015 will create jobs and stimulate long-term economic growth for all Canadians, including Aboriginal people living off reserve.

Our budget includes strategic investments in key initiatives to improve the well-being of First Nations members by enabling them to take full advantage of Canada's economic prosperity. It also includes investments in education to ensure that Aboriginal youth have access to the high-quality education they need to enjoy the economic activity associated with a well-paying job.

We are also investing more in skills development for Aboriginal people in order to create more opportunities. We have also invested in expanding the First Nations Land Management Regime, which will open up new economic opportunities. The government has adopted a series of measures to look out for the well-being of Aboriginal youth.

You also spoke about children. I will repeat the answer I gave Senator Dyck earlier. In 2012-13, our government invested $630 million in child and family services on reserves. That represents a 40 per cent increase since 2006, and we are going to continue to ensure that children and families get all the help they need to be safe and healthy.

We will also continue to ensure that Aboriginal women and children enjoy the same basic protections that other Canadians have.

[*English*]

Senator Moore: I can't help but think, with this situation brought to us by Senator Dyck today, that in your zeal to try to achieve some sort of a false balanced budget, you are trying to achieve that on the backs of these kids. I find it insulting. Is this a plan that your government is going to put in place across the country? Are you going to be making cuts in all of the welfare situations in all of the First Nations across Canada?

[*Translation*]

Senator Carignan: Senator, I talked about the investments the government is making in Aboriginal well-being and education. The beauty of it is that the government is able to invest in the education and well-being of Aboriginal families while reducing the tax burden and balancing the budget.

I understand that some of you and your leader believe that a budget balances itself, but that is not so. Balancing the budget is hard work, and creating wealth and prosperity must enter into the equation. We are not going to balance the budget by raising taxes, but rather by reducing the tax burden and creating jobs.

Just yesterday, your leader, Justin Trudeau, said that he didn't think it was fair to give tax cuts to all Canadian taxpayers. I must admit that I find that statement rather surprising, when we know that in keeping with his vision, your leader is planning to increase taxes, go back to deficit spending and most likely make cuts to services. Our government is working to create wealth and jobs and is doing so with a balanced budget.

[*English*]

Senator Moore: Let me say this, leader: I never heard Mr. Trudeau or any other member of any other party in the other place suggest that it is a good idea to cut welfare payments to the most vulnerable to try to achieve some kind of fiscal balance. A little reason here, a little bit of sensitivity, would go a long way. I don't understand a ministry or policy that would come through with something like this. Why are you targeting the First Nations in New Brunswick? Why are you picking on the Maritime provinces? Why?

[*Translation*]

Senator Carignan: It is ridiculous to claim that one community in particular is being targeted. I think I was quite clear in my responses with regard to the entire program and the Economic Action Plan of Canada, whether we are talking about previous plans that made major investments in education and school infrastructure in Aboriginal communities, skills training for young people, or support for all sorts of infrastructure.

The sad thing is that every time we allocate money in an economic action plan, including money for reserves, you vote against it. Our government passed legislation on matrimonial interests that protects children by providing for a judicial order, and you voted against that too.

You argue for one thing, but when it is time to take action, you don't do anything. We are the ones who have taken action, and we're very proud of our record.

[*English*]

Senator Moore: Well, if acting means supporting an omnibus bill with so many bad programs within it, then I'm proud to say I did not support it. If, as you say, you are not picking on this particular First Nation in New Brunswick or in the Maritimes, does that mean that this a policy of your government across Canada?

[*Translation*]

Senator Carignan: Senator, if I name some of the organizations that support Economic Action Plan 2015, maybe that will encourage you to support it. You said that the 2015 Budget contains bad programs, but I'd like to remind you that the Canadian Federation of Independent Business gave the 2015 Budget an A grade.

The Federation of Canadian Municipalities welcomed the good news in the budget, especially the funding for public transit. The Mayor of Toronto, whom you like so much, John Tory, also said that it's good news for Canadian municipalities. The Canadian Taxpayers Federation also applauded the 2015-16 federal budget.

Others have joined them, including the Canadian Cancer Society and LNG Canada. Engineers Without Borders Canada had this to say:

[*English*]

> . . . welcomes today's announcement that the Government of Canada will establish a Development Finance Initiative.

• (1420)

[*Translation*]

Futurpreneur Canada recognized the Government of Canada's ongoing support for young Canadians, especially those who start small businesses, which will help strengthen the economy.

The Association of Universities and Colleges of Canada was very pleased with the budget.

Baycrest Health Sciences said that it was a historic commitment by the federal government to take a role in tackling health challenges.

The Investment Industry Association of Canada also praised the important measures announced in the budget, including the increase in the contribution limit for the TSFA.

Music Canada said it was pleased with the extension of copyright protection for music. Musicians Randy Bachman and Bruce Cockburn thanked Prime Minister Harper. I am certain you are quite familiar with these artists.

Finally, the Intellectual Property Institute of Canada also applauded Economic Action Plan 2015.

I could go on for a while, but I hope that hearing the reactions of some of these associations and organizations will bring this home to you and help you understand that you have the support of your community and that you must vote for Economic Action Plan 2015.

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 105, followed by all remaining items in the order that they appear on the Order Paper.

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of May 12, 2015, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures, introduced in the House of Commons on May 7, 2015, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-59 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-59 in advance of it coming before the Senate:

   (*a*) the Standing Senate Committee on Aboriginal Peoples: those elements contained in Division 16 of Part 3;

   (*b*) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 3, 14, 19 of Part 3;

   (*c*) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Division 15 of Part 3;

   (*d*) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 2 and 17 of Part 3; and

   (*e*) the Standing Committee on Internal Economy, Budgets and Administration: those elements contained in Division 10 of Part 3;

2. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-59 be authorized to meet for the purposes of their studies of the those elements even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

3. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-59 submit their final reports to the Senate no later than June 4, 2015;

4. As the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-59 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and

5. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point four into consideration during its study of the subject matter of all of Bill C-59.

Hon. Larry W. Smith: Honourable senators, I rise to speak to this motion regarding Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures, introduced in the House of Commons on May 7, 2015, otherwise known as the Economic Action Plan 2015 Act, No. 1, which proposes to legislate key elements of the Economic Action Plan 2015.

[*Translation*]

These key elements include measures to create jobs and stimulate economic growth while helping communities to prosper and protecting the safety of all Canadians.

[*English*]

Honourable senators, I will provide a brief overview of Economic Action Plan 2015 Act, No. 1, which allows the Government of Canada to attain its balanced budget by further cutting taxes for Canadian families, individuals and businesses and improving access to financing for Canadian small businesses through the Canada Small Business Financing program.

[*Translation*]

Supporting seniors and persons with disabilities by introducing the home accessibility tax credit.

[*English*]

Increasing the Universal Child Care Benefit for children under the age of six; expanding the UCCB to children ages 6 to 17; ensuring veterans and their families receive the support they need by providing a new retirement income security benefit to moderately to severely disabled veterans; expanding access to the permanent impairment allowance for disabled veterans; creating a new tax-free family caregiver relief benefit to recognized caregivers; extending Employment Insurance compassionate care benefits from six weeks to six months to better support Canadians caring for gravely ill and dying family members; and, last but not least, ensuring the safety of Canadians by providing support for security on Parliament Hill for the protection of visitors, parliamentarians and staff, while maintaining access to the home of our democracy.

Honourable senators, as per tradition, this motion authorizes the Standing Senate Committee on National Finance to meet for the purpose of study of the subject matter of Bill C-59. In addition, notwithstanding any normal practice, Senate committees will be separately authorized to examine the subject matter of certain elements contained in C-59 in advance of coming before the Senate.

As included in the motion, the following committees will study the following matters and report to the Standing Senate Committee on National Finance:

Number one, the Standing Senate Committee on Aboriginal Peoples will study those elements contained in Division 16 of Part 3.

Number two, the Standing Senate Committee on Banking, Trade and Commerce will study those elements contained in Divisions 3, 14 and 19 of Part 3.

Number three, the Standing Senate Committee on Social Affairs, Science and Technology will study those elements in Division 15 of Part 3.

Number four, the Standing Senate Committee on National Security and Defence will study those elements in Divisions 2, 10 and 17 of Part 3.

Last, the Standing Committee on Internal Economy, Budgets and Administration will study those elements contained in Division 10 of Part 3.

Thank you very much, honourable senators.

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

Hon. Joseph A. Day: The honourable senator might be able to help me with an answer.

The Hon. the Speaker: A question from Senator Day.

Senator L. Smith: I would be honoured to take a question from the chair of the National Finance Committee. I hope I can respond as aptly as he does when he is asked questions.

Senator Day: I thank the honourable senator for that comment. Maybe I should sit down now and not ask a question.

I didn't bring my outline of Bill C-59 with me. Perhaps the honourable senator can help me. Regarding the divisions being sent to Standing Senate Committee on Banking, Trade and Commerce, we had requested that the division dealing with patents, trademark and copyright be left with Finance, since Finance dealt with that in the previous bill. Does the honourable senator know if that has taken place?

Senator L. Smith: Thank you very much for the question, Senator Day. At this particular moment, I do not have the follow-up to the question that you have asked. I would suggest

that probably you would follow up with Senator Martin and folks within the government to understand exactly what plan they would have for Banking and if they're willing to make any adjustments.

Senator Day: The difficulty with that answer is that I would have to move for adjournment of this motion at this time and I didn't particularly want to do that, but I don't have the material here to help me with respect to Divisions 3, 14 and 19.

Is there someone else that might be able to help me?

The Hon. the Speaker: Is that question directed to someone specific?

Senator Ringuette: Anyone with an answer.

The Hon. the Speaker: Senator, you have to pose your question specifically to the senator who is speaking at this point.

Senator Day: I move adjournment of the motion.

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

Some Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

ALLOTMENT OF TIME—NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Government Motion No. 105. Therefore, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of motion No. 105 under "Government business", concerning the subject matter study of Bill C-59.

• (1430)

ANTI-TERRORISM BILL, 2015

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts.

He said: Honourable senators, I'm pleased to rise today to speak on Bill C-51, the anti-terrorism act, 2015.

This bill enacts the security of Canada information sharing act and the secure air travel act, and it amends the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act.

As legislators, we all recognize that our most important duty is to keep our citizens safe and secure. That duty is vitally important at this moment in our history when, according to the latest report from the Canadian Security Intelligence Service, terrorism remains the top threat to our nation.

As Michel Coulombe, head of CSIS, writes in that report, "There are violent people and violent groups that want to kill Canadians."

In that same report Mr. Coulombe points to the attacks in Quebec and on Parliament Hill last October as having "exposed in a most vivid way the vulnerability to terrorism that an open society like Canada faces."

The threat goes far beyond the two attacks that claimed the lives of Warrant Officer Patrice Vincent and Corporal Nathan Cirillo, however. ISIS, one of the most barbaric terrorist groups in history, controls a significant portion of the Middle East. The foreign fighter phenomenon — Canadians travelling to that region and returning home — is a disturbing sign of the appeal of this perverse ideology. And there are the terrorist attacks we've seen on our allies.

In the face of such threats, the government had an obligation to respond decisively. Our laws governing national security matters were created at a time when the most significant security threat was espionage. Times have changed, and new solutions are needed. This is why Bill C-51 has been introduced.

In my view, this legislation is a balanced, reasonable approach to deal with a unique and unprecedented threat, a terrorist movement that does not respect the norms of a civilized and free society, a movement that recruits members from within the population it seeks to attack.

There are many misconceptions about this bill, some fuelled by political motivation, and I will attempt to deal with a number of those today. But first I'd like to give a brief outline of each of the sections of the bill.

Part 1 creates the security of Canada information sharing act. This section authorizes federal government departments and agencies to share information with designated national security institutions.

Today, institutions are not always able to share information as seamlessly and effectively as the national security threat demands. There has been a challenge going back some years, and this was identified as part of the Air India inquiry. This bill includes important safeguards to ensure these new powers are used responsibly. These new information-sharing powers apply only to relevant national security information that institutions already possess.

To be clear, nothing in this legislation expands the existing collection powers of federal institutions. What's more, that information would be shared only with institutions that play a role in ensuring national security. Further, government institutions will not be compelled to share.

To clear up one misconception, not only are national security threats carefully defined, but Bill C-51 explicitly states they do not include "advocacy, protest, dissent and artistic expression."

I don't believe it could be made any clearer than that. This bill is not aimed at protesters or the environmental movement. All information-sharing activities will continue to be subject to the scrutiny of existing review bodies as well as to investigations by the Office of the Privacy Commissioner.

Part 2 of Bill C-51 creates the secure air travel act. Right now, Canada's Passenger Protect Program screens passengers and can deny boarding to those who may pose a threat to aviation safety. This new act would expand the mandate of Canada's no-fly list to include those who may travel by air to engage in terrorist attacks or to participate in terrorist recruitment or training. Expansion of the no-fly list is essential.

CSIS Director Coulombe told the National Security and Defence Committee last month that the number of Canadians travelling overseas to join jihadist movements has increased as much as 50 per cent in the last four months. He said an estimated 145 Canadians are now involved in conflicts abroad, many of them in Iraq and Syria fighting for ISIS.

These changes will provide the government with the ability to take action to address this serious concern, even in cases where arrest and prosecution are not possible.

Part 3 of the bill amends the Criminal Code. First, the proposed changes to the recognizance with conditions and terrorism peace bonds would make these tools more effective by lowering thresholds and, in the case of the recognizance with conditions, increasing the period of preventive detention. Second, the bill would create a new offence of advocating or promoting the commission of terrorism offences in general.

Honourable senators, the use of terrorist propaganda is a growing problem. Today's terrorists are adept at using modern technology to recruit followers. A widely reported study by the Brookings Institution earlier this year reported there were at least 46,000 — and perhaps as many as 90,000 — Twitter accounts linked to the Islamic State. On average, each account had 1,000 followers, with up to 20,000 tweets per day from these accounts. These are astounding figures, and it demonstrates the challenge.

Bill C-51 would deal with this situation in several ways. First, it would fill a gap in the law by creating a new offence of knowingly advocating or promoting terrorism offences in general. The existing counselling-an-offence provision in the Criminal Code requires that the counselling involve a specific offence. That wording creates uncertainty as to whether counselling or promoting terrorism in general would be covered. The new Criminal Code offence in Bill C-51 removes that doubt.

Part 3 of Bill C-51 also authorizes the seizure of terrorist propaganda through the creation of two new warrants of seizure. The changes would allow a judge to order the seizure of terrorist propaganda that is printed or recorded as audio. They would also allow a judge to order the removal of terrorist propaganda when it is in electronic form and made available to the public through a Canadian Internet service provider.

Part 4 of Bill C-51 contains amendments to the Canadian Security Intelligence Service Act. As honourable senators are aware, CSIS's current mandate is limited to intelligence gathering, intelligence that it passes along to other national security agencies for appropriate follow-up and action. Because of its intelligence-gathering activities, CSIS is often the first to detect a threat. But according to the current CSIS Act, it has no legal authority to intervene in any direct way.

Bill C-51 allows CSIS to take reasonable and proportional preventive action to disrupt threats at home and abroad when it has reasonable grounds to believe that an activity poses a threat to the security of our country.

• (1440)

CSIS is not permitted to engage in threat disruption activities that violate Canadian law or the Charter of Rights and Freedoms unless they are authorized first by the minister and second by a warrant issued by a Federal Court judge.

In light of concerns about this extension of CSIS's mandate, the government moved an amendment in the other place to ensure that it is clear: CSIS employees will not have law enforcement powers. They are not the police and will not be allowed to act like the police.

Michael Duffy — no relation, I'm assured — a senior Justice Department official, explained this during clause-by-clause consideration of Bill C-51 at the house committee. I quote Mr. Duffy:

> The important point that was reflected in the drafting is that CSIS as an agency cannot take it upon itself to exercise those powers. It has no power and never has had a power to detain or arrest or imprison. Nothing in this bill changes that.

Not only are threat disruption activities subject to authorization before occurring, but they are also subject to review by the Security Intelligence Review Committee, or SIRC.

Part 5 of Bill C-51 contains amendments to Division 9 of the Immigration and Refugee Protection Act, including security certificate proceedings.

Division 9 proceedings are used when the government must rely on and protect classified information to determine whether non-citizens can enter and remain in Canada. If disclosed, that

information would endanger national security or the safety of individuals. Robust protections for this information are required while balancing the need for fair proceedings.

For example, the bill would allow the government to appeal any order to publicly disclose classified information during the proceedings, as opposed to waiting until the proceedings are over.

Honourable senators, this is a brief outline of what is in Bill C-51. I would now like to take a few moments to address some of the concerns that were raised during the pre-study by the National Security and Defence Committee.

History has shown that honest disagreements will always arise when Parliament deals with national security legislation. But in this instance, I believe many critics of Bill C-51 simply fail to recognize the seriousness of the threat facing Canada and all Western countries, and to some degree that's understandable.

Danny Eisen, who is the co-founder of the Canadian Coalition Against Terror, writing in the *National Post*, said recent criticism by business leaders of Bill C-51 was ". . . another example of commentary within a country that has never experienced the human and financial aftershock of a major terrorist calamity on its soil."

Many of the criticisms of Bill C-51 are based on a misreading of the bill. That may be purposeful on the part of some, but I'll leave that for others to decide.

For example, the clauses on information-sharing have been described as unnecessary and even dangerous. It's even been suggested they'll be used against environmental and other protest groups.

The Privacy Commissioner himself, in a letter last month to the chair of the National Security and Defence Committee said, ". . . the 17 federal departments . . . would be in a position to receive information about any or all Canadians' interactions with government." He claims that ". . . all the tax information held by the Canada Revenue Agency . . . would be broadly available if deemed relevant to the detection of new security threats" and that ". . . the Canada Border Services Agency could be asked to provide information on all individuals, including tourists and business persons, who have traveled to countries that are suspected of being transit points to conflict areas."

I don't believe this criticism is well-founded. First, just because information is requested doesn't mean it is shared. Agencies are not compelled to share information.

Second, I don't believe that my tax return or the tax returns of tens of millions of Canadians could be considered relevant to detection of ". . . activities that undermine the security of Canada" as required and defined under the proposed legislation.

It should be noted that the Privacy Act already permits sharing of personal information in circumstances involving security and criminal investigations. And the provisions of the Privacy Act apply to this legislation. The Privacy Commissioner retains all his existing powers to investigate complaints or initiate investigations.

The new security of Canada information sharing act is an attempt to ease the barriers to information-sharing, barriers that were cited by former Supreme Court Justice John Major as contributing to the Air India terrorist attack. We certainly know in terms of 9/11 in the United States that was a major problem in terms of what happened in that country.

A major criticism of Bill C-51 concerns the proposed new offence of knowingly advocating or promoting the commission of terrorist offences in general. Academics Kent Roach and Craig Forcese have written that it will "cast a chill on any opinion touching upon the issue of terrorism."

Professor Roach told the National Security Committee on April 2 that reporters who reprint quotes from terrorists could face charges, and they and others contend there is no gap in the law needing to be filled by this new section.

The idea that this new law would or could be used to stifle reporters, I believe that is baseless fear-mongering. I believe Justice Minister Peter MacKay, who appeared before the committee on March 30, made a compelling case that this new offence does fill a gap in the current law. To quote the minister:

> The current criminal law only applies to counselling of the commission of a specific terrorism offence, such as telling people to go bomb a train station. However, the current law would not necessarily apply to somebody who actively encourages others to commit terrorism offences more generally.

Think of the propaganda recording from ISIS last September, urging supporters to attack civilians and military personnel on Canadian soil. A month later, that's exactly what happened, when Warrant Officer Vincent was run over by a fanatic and Corporal Cirillo was shot while on ceremonial duty at the National War Memorial.

Terrorist propaganda is incredibly effective and this new offence will be helpful in combating it, as will the new judicial authorization to remove such material from the Internet. To suggest that existing law is sufficient to tackle this growing problem is naive at best.

The most persistent criticism of Bill C-51 is that it forces judges to use secret, one-sided judicial hearings to help CSIS agents violate the Charter of Rights. This claim has been thoroughly debunked, yet it continues to be trumpeted, primarily by the media. This criticism is in connection with the new threat-reduction power granted to CSIS, which authorizes activities that would otherwise violate the law, provided they are approved by the minister and authorized by a Federal Court judge.

There is a very detailed warrant process in Bill C-51, which requires the applicant to prove the need for the actions proposed. The judge may accept or reject the application.

This process is far from unique in Canadian law, and that was noted by Donald Piragoff, Senior Assistant Deputy Minister with the Department of Justice, who appeared before the committee. He addressed the issue head-on. To quote Mr. Piragoff:

> The scheme provides that judges are to look at the activity and determine whether it can be undertaken in such a manner — reasonable, proportional, maybe subject to conditions — that you would be consistent with the Charter.

• (1450)

He went on:

> That's what happens every day in court. Every time a judge issues a search warrant, the judge is essentially saying, "But for this warrant, that search would violate the Charter." Every time a judge issues an arrest warrant, but for that arrest warrant there would be an unlawful detention, which violates the Charter. Every time a wiretap authorization is made, it's the same thing. . . .
>
> If the judge cannot come up with a way or the service cannot propose a way so that the judge feels comfortable that it is consistent with the Charter, the judge will not issue the order. The judge, like anyone else, is also subject to the Constitution.
>
> So it's wrong to say that this authorizes judges to violate the Charter. Judges cannot violate the Charter. Everyone is subject to the Constitution.

The committee also heard from the Honourable Jean-Pierre Plouffe, Commissioner of the Communications Security Establishment and a well-respected former judge.

When asked about the new powers given to CSIS under Bill C-51, Mr. Plouffe said:

> By referring to the Federal Court in this instance to obtain a warrant, with regard to the added powers supposed to be given to CSIS, it is a form of oversight, and I think this is quite satisfactory indeed.

This is not a unique or unprecedented power. The power to engage in criminal activity has been given to police for many years under the Criminal Code, whether to conduct a search or tap a telephone. The criticism that these warrant applications are secret, conducted without the other side present, is perplexing to say the least. If the subject of the proposed warrant was present or the media was invited in, it would defeat the purpose.

The subject of a search warrant or a wiretap is not invited to a hearing held to determine if the warrant will be granted.

The final concern we hear repeated is a lack of oversight for these expanded powers that will be granted to CSIS under Bill C-51. It's worth noting the new CSIS powers of threat reduction are subject to judicial authorization, so there is a considerable amount of oversight at the front end, but oversight prior to an action being taken is not the same as reviewing the results.

There is no doubt the enhanced role given to CSIS in Bill C-51 requires a comparable increase in oversight capacity to monitor these new powers. There has been much talk of parliamentary oversight, and it's an idea that, on the face of it, I personally found attractive.

After listening to experts such as former Supreme Court Justice John Major, I'm not convinced that it's the most effective form of oversight. Personally, I'm not prepared to rule it out going forward. Although it is clearly beyond the scope of this bill, it's an issue I would encourage the Senate to revisit in the not-too-distant future.

However, in the opinion of other witnesses, a well-funded review agency staffed by experts is likely to be far more effective. The government has recognized this fact, and the just-released budget nearly doubles the budget of the Security Intelligence Review Committee.

Earlier this month, Prime Minister Harper announced two new appointments to SIRC. The Honourable Pierre Blais is former Chief Justice of the Federal Court of Appeal, former Solicitor General and Minister of Justice of the Government of Canada. He has been named chair of the committee.

Marie-Lucie Morin is a former National Security Advisor and Associate Secretary to the Cabinet within the Privy Council Office. Ms. Morin has been named a member of the committee.

Earlier this year, the Prime Minister named Ian Holloway, the dean of the law school at the University of Calgary, as a member of SIRC. Mr. Holloway brings with him 26 years of military experience.

With this new funding and members with a deep understanding of security issues, SIRC has never been better positioned to fulfill its mandate of robust oversight of the Canadian Security Intelligence Service.

As I suggested earlier, I think some of the criticism of Bill C-51 may be politically motivated, but not all of it. There are many Canadians who simply do not recognize the magnitude of the threat. We are a peaceful country, and although we see the horrific images on television of attacks like those that have occurred in France, Great Britain, Australia and the United States, too many of us think it cannot happen here, but it can.

Earlier I spoke of the rapidly growing number of Canadians who have left to join ISIS in Iraq and Syria. A report by Public Safety Canada last August revealed that about 80 of them have returned home. No doubt those numbers are higher now.

In most cases, odds are these people didn't come home because they had a change of heart. Where they went and why they're back should be a matter of interest, if not concern, for all of us. If we do not increase our capacity to deal with this threat, we could bear a terrible price.

Former Justice Major said:

> . . . we're dealing with . . . a serious problem of terrorism in Canada. You can't have a halfhearted war against that. . . you've got to arm our people with some authority to root out terrorists.

The U.S. 9-11 Commission attributed that country's lack of preparedness for that monstrous and deadly attack as "a failure of imagination." We can't go down that path.

Bill C-51 is a reasonable, measured response to this ever-present threat, and I urge members of this chamber to support it.

Hon. Anne C. Cools: I have a question.

Hon. Ghislain Maltais (Acting Speaker): Senator Runciman, would you accept a question?

Senator Runciman: Yes.

Senator Cools: Honourable senators, I have been listening to the honourable senator with some care, and as you know, I am very mindful that you are a former solicitor general with quite a keen eye and ear for legalities.

The term "terrorism" is really quite new to our legal system and to our jurisprudence. At the time it was created and put into statute, there was much debate and much consideration about it, essentially because it is such a poorly defined term. At the time, if you will recall, there was a body of legal opinion that did not believe that we should adopt the word "terrorism" because it would of necessity, be widely misused and differently defined on different occasions.

I am just wondering, because you've used the word "terrorism" quite frequently, if you could tell us what terrorism is.

Senator Runciman: I don't have Wikipedia or a dictionary in front of me. Certainly in terms of the activities we've seen over the past decade or more, I think most understanding individuals would accept those acts as acts of terror. I don't think that this legislation is overreaching in its interpretation of terrorist acts, and I'm not concerned about how that will be interpreted by CSIS. I think they'll use their powers sparingly.

They know that misuse would call their legitimacy into question, so I think many of those concerns are overblown. Trying to get into technicalities about the definition of "terrorism," if you look at the act, the kinds of initiatives that could be undertaken could be well explained through a thorough reading of the act.

Senator Cools: Honourable senators, I understand that, and I am not saying that there is not ground for this activity, but many years ago in Canada, when there were problems with the FLQ and they did things, they were described as bombings or whatever they were. Now the word "terrorism" comes out, and no one is really sure what the activity is.

The problem with the term "terrorism" is that it is politically charged and extremely terror-invoking. There is something about the word "terrorism" that strikes fear into people. I want to be sure or to be encouraged that that is not at work in this bill, that the country and Canadians are so terribly at risk that any minute now the mighty terrorists strike.

• (1500)

Respecting the laws here that are about to be changed, it is quite unclear to me why this bill is necessary. When CSIS was severed from the RCMP, as I remember, sometime around 1980, there was great concern expressed here in these halls that it was being separated so that its purview could be exclusively intelligence, with no mixture or involvement whatsoever in prevention, defensive or policy activities, so to speak. It was to be solely an intelligence-gathering agency.

There was a wide body of opinion against the separation at the time, and there was a wide body of opinion in support. CSIS used to be part of the RCMP, as we will recall.

On what premise is the government acting when we are moving it closer to what it used to be years ago?

Senator Runciman: Senator, preventive counterterrorism activities are much more intelligence-focused than criminal investigations.

If you look at the constraints that are placed on CSIS today, they put the safety of the country in jeopardy. Even though CSIS may be the first to detect threats to this country, they don't have the ability or the authority to intervene directly. This legislation will give them those powers in terms of disruption activities. Such activities could be as simple as approaching a family to talk to the parents of a youth where it is clearly indicated that the youth is becoming radicalized and is planning to travel to a country that is under attack or where a civil war is under way to engage in terrorist activities.

I think there are very legitimate explanations for the changes made in this legislation; the biggest, if you will, is increasing the security and safety of our country. I don't think there's any question that this bill and what it involves will, to a significant degree, accomplish that goal.

Hon. Percy E. Downe: The senator will take another question, I assume. You mention in your speech SIRC, the Security Intelligence Review Committee. One of the major concerns is the lack of parliamentary public oversight. Prime Minister Mulroney and others used to appoint a prominent member of each political party to SIRC. Ray Speaker was it on at one point, as were Gary Filmon, Bob Rae and so on.

That tradition has fallen by the wayside. Would you support returning SIRC to having the participation of former parliamentarians?

Senator Runciman: Personally, no. I indicated in my comments that, if the other place does not want to pursue this issue, I am supportive of the Senate's taking a look at a study conducted by

the Anti-terrorism Subcommittee headed up by Senator Segal that made recommendations on a joint parliamentary oversight committee. I believe that's the appropriate way to go; it is more of a complementary oversight.

Having the expertise of individuals like Justice Blais and others who are now being appointed to SIRC is going to make it a much more effective organization in terms of providing that kind of expertise.

I continue to be sympathetic to having parliamentarians involved in some way, shape or form. How we can accomplish that is something that the Senate should take up again and not wait three or four years to do so. I had a conversation with the Chair of the National Security Committee earlier last week around this issue, that it is something that should be contemplated in the next year or so and that we should move quickly on this and, as a Senate, make whatever recommendations we find are appropriate.

It might be worth taking a look at the British example as a model that could be considered for Canada.

Hon. Mobina S. B. Jaffer: Senator Runciman, I was very pleased with your comments about the oversight. You know and we know that SIRC only — if I stand correctly — is oversight for CSIS, and the police have a form of oversight. But the information that will be shared by the 17 departments and the foreign countries of foreign resources — for that, I understand there is no oversight.

Were you thinking that there will be a general oversight of all government departments when it comes to security issues?

Senator Runciman: To make it clear, the information sharing is not mandatory. So I'm not sure what you're talking about with respect to information sharing with foreign governments. I know there's a case going to the Supreme Court, I believe, dealing with that issue and criticism of CSIS with respect to that particular issue.

The questions we're going to have to look at going forward, which were raised by representatives of SIRC in terms of the broadening of the mandate of CSIS — and they did not, when they appeared before the committee, have an opportunity to assess the impact of the budget increases and whether those will give them the appropriate resources to do the job they're now being assigned. We're going to have to keep a close eye on that and monitor it and make adjustments in the future, if necessary.

The steps we're taking are going to provide significant oversight. We heard from a number of witnesses to give us a level of comfort with respect to that.

Senator Jaffer: May I ask another question? Senator, you have other experiences as a solicitor general before you came here, and I heard what you had to say very carefully. There is no doubt there's a serious terrorist threat in our country, and none of us takes that lightly. But from looking at terrorist legislation for the 14 years I have been here in the Senate, I have come to the conclusion that just having tougher legislation without balancing it with looking at root causes is a challenge.

My concern with all this legislation coming out is that we are still not dealing with the root causes of terrorism. Do you think this legislation covers that issue of root causes?

Senator Runciman: No, it doesn't deal with that issue, although I think that during the testimony we heard — I believe you were present; it may have been in response to a question you asked officials — that certainly real attempts are being made at outreach into various communities across the country to try to gain a better understanding — going both ways, if you will. So those attempts are being made.

In terms of root causes, I am not sure this is the appropriate bill to address that, but it is an issue that we have to look at very closely going forward, no question.

Hon. Grant Mitchell: I am the official critic of Bill C-51. While I respect and admire the presentation made by Senator Runciman — thoughtful, considered and presented with quiet dignity, as he always does — I have to say that there are many reasons why I disagree with the position he has taken.

I would like to say before I start that we have had a very good process of review of this budget because of the pre-study, which is not often done, and I don't encourage them often. But the pre-study meant that we had some very good witnesses who presented on both sides of the case. I was more compelled by those who raised concerns, and I will explain why.

• (1510)

It is not generally my practice to highlight certain witnesses, but I would like to recognize the work of Craig Forcese and Kent Roach, among others, who have literally dedicated their lives to the analysis of this measure and Bill C-44 over the last number of months. Professor Craig Forcese is from the University of Ottawa and Professor Roach is from the University of Toronto — they had excellent input.

Almost all of the witnesses, most Canadians and certainly I and my caucus colleagues accept the premise upon which this bill was originally initiated, which is that there's a problem with terrorism. We can't take it for granted. We have to be careful of it. It has two parts: home-grown terrorism that can be expressed violently within Canada, and home-grown terrorism expressed by people leaving Canada and going elsewhere to fight for terrorist causes.

This is by no means a problem to be taken lightly. I would say that none of us who would oppose this bill would for one moment take it lightly. I certainly do not take it lightly.

Second reading is a debate about the principle of a bill. The government, ably represented by Senator Runciman in his presentation, would construe the principle of this bill to be securing the safety and security of Canadians — protecting Canadians and simply extending laws in order to do that.

I had an experience recently that brought home to me the other half of that equation, and that is that this isn't truly the principle. The fundamental principle of this bill is not simply about securing the safety of Canadians, but it is about securing the safety of Canadians while balancing that against the protection of rights and civil liberties. That's the fundamental principle of this bill and it is not being addressed adequately. That's the reason why I have a great deal of difficulty supporting the bill. In fact, unless otherwise convinced over the course of debate — and I can't imagine that I will be, at this point having heard so much of it — I will be voting against the bill.

The importance of rights and of protecting rights is, of course, intrinsic to our institution and to our chamber. We simply have that as one of our explicit responsibilities and mandates. The importance of rights and their fragility was brought home for me very recently. Omar Khadr is my neighbour. Omar Khadr's lawyer lives just over our fence and several houses way. I'm not offended or concerned that Omar Khadr is my neighbour.

What concerned me was that as I began to understand more and more about the Omar Khadr case, I began to see how his rights have been abused, every step of the way, to varying degrees of intensity, to a point where a 15-year-old child soldier had been treated in a way that almost nobody else in the world had been treated, as a result of the war in Afghanistan. I believe he is the only person who was convicted of this kind of crime — of murder — in the Afghan war. He was convicted of penalties and crimes that didn't even exist and weren't created until after he had done whatever it is that he had done.

We left him to languish in a prison to be tortured. We left him there long after other Western nations left prisoners from their countries. We left him in Guantanamo Bay despite the fact that it was our responsibility and duty as a country to bring him back and deal with him here. We were repeatedly remiss in the protection of his rights.

That brings the issue more clearly into focus. What is truly at stake in this bill is, yes, protecting Canadians, holding them safe and secure. This is absolutely a priority and the government continues to say that is the government's singular priority. My take on that is that while that is a priority, it has to be an equivalent priority with protecting the rights and the civil liberties of all Canadians. It is those rights that are threatened by this bill.

The question was addressed well in the presentation made by the Canadian Bar Association to committees of both houses of Parliament. They said:

> The key question is, "Does the bill strike the appropriate balance between enhancing state powers to manage risks and safeguarding citizens' privacy rights and personal freedoms?"

I would argue in a word: No.

What is left by this bill is simply intrusion or a great risk of intrusion into Canadians' rights, with bigger — and more intrusive — government without really any additional balance or oversight to speak of and without any effort made to limit the manner in which that intrusion can affect Canadians who are in no way, shape or form going to be involved in terrorism, threats of terrorism or terrorist activities.

I begin my analysis of the bill by saying that this bill addresses only laws. Senator Runciman has laid out very well the five areas where laws are either added or where the bar, over which determines and limits a law, has been lowered. Those areas are of course with respect to the following: the sharing of information; CSIS' powers; creating, extending, maintaining the no-fly list; the Criminal Code; and immigration hearing processes. We are not going to arrest our way out of the problem of terrorism in this country. Once it gets to the point where you need laws and arrest, then you are way past being too late.

I was compelled by the number of police officers of all ranks, senior in particular and very senior in several cases, who said that some of their best days in policing are when they are working within communities to prohibit, offset, deter, defer and divert criminals or people who might one day become criminal or terrorists before they ever get to the stage where that is a reality.

What this bill suggests is that you can solve the problem simply by more laws. You can't. The first criticism that I would have of this bill is that it is brought without any broader strategy. What would be the important components of a broader strategy? First, the witnesses say, and I think it was obvious, that we need more research. We do not fully understand what it is that causes the radicalization process. Hundreds of thousands of people are subjected to the same kind of "propaganda." Many people attend the kinds of places where some people think that radicalization occurs, and yet very small minorities of these people are ever radicalized to some level of terrorist initiative.

One of the things that struck me, particularly when we were in our study of radicalization more generally — and not to be critical of witnesses — was just how much the witnesses were wrestling with the subject matter because there isn't yet a depth of understanding of it. Much of the witness testimony was anecdotal. There are few scientific broadly-based studies where you have empirical evidence to support what it is that is going on in the radicalization and terrorism development process.

A strategy needs to have the idea of supporting research. Kanishka has been an excellent government program, but its funding will be finished and there's no indication that it will be replenished. That's the first element of a strategy.

The second element is that you need preventive programs. These preventive programs need to be throughout our community and our society and in many different ways.

First, police need resources to do community outreach. That can be time-consuming. It takes personnel, patience and well-trained police constable personnel; and there's a tremendous demand for more of it now, given the threat that we face.

• (1520)

We see that the RCMP has taken 600 people away from investigating other kinds of crimes to investigate terrorism. These are not 600 people working directly in the community on a day-to-day basis to create relationships and to try to find out what is happening before it gets to a level of terrorist radicalization. You need resources to help police forces — not just the RCMP, but also municipal police forces across this country — to train the personnel to do those kinds of community-based programs.

Communities need resources. Some of the communities that people want to focus on in this debate do not have a great deal of money or structure or a unified leadership. Communities need resources to deal with problem youth, perhaps within their own community. That has become clear as we have pursued this issue through witness testimony and through study.

We need adequate resources. The strategy has to come with money. There are 600 RCMP officers, as I said, who have been taken from files on financial crime, organized crime and drug crime, and they have been put on terrorism. That could amount to about $110 million to $120 million a year just for those 600 officers who haven't been replaced. The budget that the government has announced might, depending how you work it out, end up giving the RCMP about $20 million a year. It is not adequate. CSIS representatives have indicated the same problem, that they're on the edge of the limits of their resources.

If Bills C-51 and C-44 are new tools in the tool boxes of the police and national intelligence services, they won't have the personnel to use those tools. Even if this were the way to go, they wouldn't have the people to exercise, utilize and implement whatever it is that they have been given in these bills. Adequate resources for police, intelligence services, community groups and community programs are part of the strategy that is simply just lacking.

Perhaps one of the most important, although one of the most subtle, elements of the strategy is this: caution and prudence with the rhetoric that we use. It is extremely important that we do not isolate, identify or stigmatize given communities. It is intuitive to understand that, but over and over again we were told by police officers at the senior-most ranks that to stigmatize a community is to further alienate that community, which stimulates and it is generally believed to be one of the causes of radicalization, i.e., alienation, removal from society and being withdrawn. It also inhibits adequate police and intelligence investigatory techniques to the extent that if a community is isolated and stigmatized, then it is less likely to feel that it can trust these authorities and, therefore, less likely to be able to relate to them and give them the kind of information that they need to head things off before they get to an intense and critical level.

This latter point about stigmatization is extremely important in a number of ways. I want to make clear one of those ways: If we simply focus on certain groups, we may well limit the frame of reference and the focus on other possible sources of terrorism, which then becomes a limiting factor in the way you might deal with terrorism. As I have stated, this focus on stigmatizing and naming certain groups can also alienate those groups, further encouraging their radicalization and possibly inhibiting their inclination to deal with authorities in a cooperative manner. This isn't necessarily as it should be, but it is a human reaction and we are dealing with a very human process.

Ultimately, the strategy also must balance the powers given by the state to police and national security authorities with protections for our rights. One of the most key elements of that part of the strategy is proper oversight. There is ample evidence, prima facie practically, that there is not adequate oversight. I was encouraged to hear Senator Runciman say that he wouldn't close the door on parliamentary oversight, although he has certain doubts and I respect that. There is ample evidence, and I will talk about that as I proceed.

The second section of my presentation deals with what I'm calling a general assault on rights. I'm not going to say "no rights," but there is a serious assault on rights in a number of different ways. Senator Runciman and I see this new class of warrants for CSIS, which would "authorize CSIS to undertake disruptive action," quite differently. They are unprecedented. Other warrants in our system, and there are basically two kinds, do not offend the Charter of Rights. In fact, great care has been taken in the Charter of Rights to ensure that the major class of search and seizure is included in the Charter of Rights under reasonable grounds if properly approved.

There are many things about the criminal warranting process that make it much more acceptable. The fact that it doesn't offend the Charter of Rights is the most prominent reason that this process is acceptable. There are other elements, one of which is that eventually the person who is the target of a warrant needs to be notified. While that might be less relevant in the case of terrorism if the target is in some foreign country, nevertheless, the interests of the other side, not necessarily the person, and the rights encroached upon need to be protected in the process of allocating these warrants. There is no indication of or provision for those rights to be protected. That is to say, when one of these warrants is applied for, the judge should be given the opportunity, if not directed, to have a special advocate to represent society's broader interests in the allocation of a warrant that could see people's Charter rights offended, if not outright abused. It is very important that the other side — society's side, the right side — be included in what now would be an *ex parte* warrant process.

There is no provision for follow-up. While it is said that SIRC will have to follow up on each of these warrants, SIRC is a very small organization. Even though its resources have gone from $2.7 million to $5.4 million, I believe, there's no indication that it's adequate, given that they had said they were definitely underfunded to begin with.

Unlike criminal warrants, not all of which end up in cases before the courts, which at least gives some of them the chance to be reflected in an open and due-process way, few of these CSIS warrants will ever end up in court cases.

That raises another problem with these CSIS warrants which is that they can actually diminish the likelihood of successful prosecution because garnering a warrant that is an abuse of the

Charter of Rights, which nets information that might one day end up being useful evidence, in that way won't be usable in a court case. This particular provision, as is the case with other provisions in this bill, can actually limit the possibility of successful prosecution because of the way that it is structured.

Another problem is the disruptive powers that these warrants will allow them. I should also say that there's a whole range of activities that CSIS will be able to undertake right up to just before they apply for a warrant.

• (1530)

They only have to apply for a warrant when they themselves decide that whatever it is that they want to do will offend the Charter of Rights. Not may, not might, but will. It isn't just speaking to the parents of some potentially radicalized youth. Disruptive activities can range from that — and certainly that is the case that the government makes — to detention. We don't know. To very intense questioning. We don't know. Certainly, if there isn't at least a special advocate there to represent the other side of the story, the likelihood that that might happen could be greater.

Essentially, these disruptive powers bring CSIS back into the realm of being a police force, out of the realm of being an intelligence agency. The great irony in that is that the reason that CSIS was originally created was because the police force that used to do that, the RCMP, went over the line in its intelligence activities and burned down a barn to disrupt a meeting that they saw as being seditious in some way or undermining security in some way. It was the barn burning that ultimately precipitated the creation of CSIS as a very clearly, distinctly differentiated body that was an intelligence agency and not a police agency. This bill sees it creeping, if not jumping, into the realm of almost fully-fledged policing.

The bill will also enhance the government's power to include individuals on the no-fly list. We have a no-fly list now. Now, it will enhance the power to include individuals on the no-fly list. The problem is that there is no requirement for the courts or for the government to tell the person who has been put on the no-fly list why they've been put on the no-fly list. Even if they come to appeal it, there is no requirement that they be told what it is that they have "been charged with." So they will be expected to deal with an appeal without having full information on the reason they have been put on that list. That is a fundamental intrusion into due process. It's an undermining of due process. It's a fundamental intrusion into people's rights. How would any of us feel if we were by mistake put on that list? We couldn't even find out why, and, when it comes to appealing that process, we still can't find out why. When it comes to appealing that process, we don't even have a special advocate or a representative of our interests in that process who can represent our interests.

While the minister is required to review this list within 90 days of a person's being put on it, there's no provision for a quicker review in the event that there's a clear mistake or in the event that there's some emergent situation that might affect that person and that the review should be done earlier. Also, at the end of 90 days, if you don't hear from the government, that's that. They don't have to tell you. You're still on the list, and you don't know why. So that's another way in which the bill assaults individuals' rights.

The bill also creates a new and broad definition of the crime of advocating terrorism in general. It says that you just have to knowingly do it. You don't have to willfully do it. You don't have to do it with any specifics in mind. Just knowingly do it. That causes legal problems; it causes rights problems. It particularly causes problems with respect to civil disobedience. Civil disobedience is a tenet of a democratic society. Civil disobedience is advocacy, demonstrating, taking steps that actually break the law, and you know they break the law. It might be blockading a road or blocking the path of a pipeline, but it is absolutely a tenet, a proper tenet and an acceptable tenet, of a properly functioning democracy to have civil disobedience. The key element of civil disobedience is that those who undertake it accept the power of the state ultimately to inhibit that or to punish them for having done it. But this bill so broadly defines the idea of terrorist activity that it isn't clear at all that it won't scoop up an Aboriginal group or an environmental group and translate what they're doing from a legitimate act of civil disobedience, reflecting their democratic right to oppose the state, and roll that into a terrorist activity that somehow undermines the security of Canada.

We received much input on this from Aboriginal groups. One letter that our committee received was from the Union of British Columbia Indian Chiefs, signed by, amongst others, Grand Chief Stewart Phillip. They make this case very powerfully, where they say, for example, that, late in 2014, the group's president, Grand Chief Stewart Phillip:

> . . . stood in support of those in opposition to Kinder Morgan's proposed expansion of the Trans Mountain pipeline in the unceded Coast Salish Territories. On November 27, 2014 Grand Chief Stewart Phillip crossed the police line on Burnaby Mountain where Kinder Morgan was conducting exploratory drilling for the expansion of the pipeline. During the weeks' long protest over 24 protectors of public parklands were arrested including Grand Chief Stewart Phillip.

If Bill C-51 were implemented and if somebody — the government — decided that that pipeline is critical infrastructure, critical to the security of Canada — and certainly one could make an economic argument in that regard — what's to say that this legitimate type of protest in a properly functioning democratic society couldn't be seen to be a terrorist activity? Again, an affront to rights.

Instead of suggesting that terrorist advocacy needs to be done only "knowingly" in order to be an affront or in order to be a criminal activity, this could be softened by replacing "knowingly" with "willfully." That particularly applies to the advocacy case or to propaganda or to discussion.

What is also very disconcerting about this particular feature of the bill is that in cases in areas like this in the Criminal Code, usually the Criminal Code lays out the basis for defending

yourself. In this case no definition is provided for defences that might be used in the case of terrorism advocacy charges, such as public interest or education.

With respect to immigration and security certificate hearings — and this is another area where rights are in jeopardy — to this point, these often are secret. The person whose security certificate is at stake, for example, is not personally present in these hearings, generally, but they are represented by a special advocate. The special advocacy provision will still exist. However, now it will be up to the government to define what information the special advocate will get. So the very prosecutors who are trying to win the case to prohibit the allocation of the security certificate will be the very people who will tell the defence what information they can get, and there are cases, evidence, very strong input by a number of special advocates that that can cause a deep problem with respect to the rights of the person who is applying for the security certificate.

The bill also introduces very subtly powers of search and seizure to the Ministry of Transport, search and seizure of computer and phone information without warrant. The bill also lowers the bar on preventative detention and on peace bonds. So the police can put somebody in detention for three days. Now, they will be able to do it for seven. With respect to peace bonds, they're making it easier to do a peace bond.

• (1540)

The argument can be made, I think, that in Canada a peace bond has never actually been utilized, but there's also no evidence that the reason for that is the way that that the peace bonds are currently structured. There's also no evidence that the current process of preventative detention hasn't actually worked.

In this case, again, the onus should be on the government to prove that lowering the bar on preventative detention and on peace bonds is necessary, and there simply isn't adequate indication. Certainly there's a question about whether or not, in fact, the current situation isn't good enough and it just hasn't worked because the police haven't focused on it, they haven't been inclined to think they need it, or they haven't seen where its use could be much, much more productive in the case of terrorism cases where you are trying to prevent something from happening.

Another broader area that I single out of threats to rights is threats to privacy, and that addresses the section of the bill that is the sharing of information act. In principle, this isn't all bad. The bill will allow for the sharing of information between and amongst 17 designated agencies from other areas of government. Certainly Justice O'Connor, in his commission concerning the *Arar* case, was very, very adamant that the siloing of information was and is a problem. It probably still is a problem. In fact, he went so far as to say that had there not been siloing of information between CSIS and the RCMP, the Air India disaster could probably have been stopped.

It isn't that we shouldn't be breaking down those silos. I think that's an important feature of the bill. We should be breaking down those silos. However, once again, this is being done in a way that is broader than it needs to be and could be limited without particular cost and in ways that wouldn't inhibit the achieving of the objective that this provision is trying to achieve. For example, agreements between those agencies of government, those departments, giving information and the 17 agencies that are designated recipients can be done. There's nothing stopping them from being done, agreements or memorandums of understanding, but they're not required. Even if they are done, there is no provision for them to be properly reviewed in any kind of structured, ongoing way.

Yes, as Senator Runciman points out, SIRC reviews what CSIS does, so SIRC has an ability to look at any information that CSIS receives, but it can't really look at any information that CSIS shares because SIRC doesn't have the power to go beyond what CSIS does. It can't follow the threat of an information or the threat of an issue beyond the silo within which CSIS is defined.

It would be easy to fix this problem. Simply have a more robust review mechanism and have that mechanism, a super SIRC, perhaps, with the resources to properly review these memorandums of understanding, or have the Privacy Commissioner with the resources to oversee this process and make sure the memorandums of understanding are done and make sure they're followed.

It should be noted that not only are there about 100 agencies in government that will be able to share information with these 17 designated agencies, and the 17 designated agencies will be able to share between and amongst themselves, but Canada has intelligence gathering and sharing relationships with 290 international agencies and countries — 290. There is no requirement of memorandums of understanding for how that information will be used. In fact, the bill does not limit. Quite the contrary, it explicitly says that once information is shared with CSIS or the CRA, because it's one of the 17 specified, or with the Canada Border Services Agency or any of these groups, there is no way for the group or the department providing the information to limit its use beyond giving it to that other organization. That agency or department can send it wherever it wants. That conjures up, of course, the *Arar* case.

There's a suggestion that the information shared only has to be relevant. That's a much lower standard than the standard utilized in privacy acts and related kinds of legislation where the information shared has to be necessary and has to be proportionate. If it were specified as necessary and proportionate to the level of a national security risk or potential risk, then, again, rights would be less threatened. There's not even a guarantee that the information has to be terrorism-related. There is no real specification that this information that's shared about our privacy needs to be terrorism-related. It can be for, who knows, whatever number. In fact, nine reasons are specified, but again, the definitions are very broad.

There's no limit on how long any of the information that's shared can be held. There's no specification of when it needs to be destroyed.

This is particularly disconcerting, all of this, when you consider that the CRA is one of the 17 receiving agencies and it's a sharing agency. You start to wonder why it is that no matter how often we

asked, we couldn't get an answer for why this legislation refers to taxpayers' information as being shareable but doesn't refer to "designated taxpayer information," which has always been the term that's been used elsewhere. It may be that that's a benign change, but it may be that it isn't, and my suspicions are aroused because I can't get an answer on the implication of that difference — "designated taxpayer information" and in this act only "taxpayer information."

Imagine that you give money to an environmental group or to a group that you think does international aid work, feeding the poor in some third world country. What's to stop the CRA from simply doing a run on their computers to find out everybody who donated money to those kinds of organizations and then give that personal information to the RCMP or to CSIS or to CSEC? There is nothing to stop that. Zero. If ever there was an area in our government-related privacy that was almost sacrosanct, it was CRA and tax information, as it should be, because if people can't trust that their information is private, then there's always this risk that they may not be as willing to deal with the CRA in the way that they should. That's not right, but again, it's a human process.

I think that we need to understand that there are a series of these, and I've only I would say literally touched the tip of the iceberg. In fact, I'm just going to finish with one other area in which rights are undermined, and that is that there is no process for ensuring that information being shared is reliable. In the *Arar* case, the information that was shared wasn't reliable. That was one of a series of problems that occurred in the *Arar* case.

So, again, if we had a review process, the Privacy Commissioner would be one place, and the Privacy Commissioner has been held out by this government, and the Auditor General, as being ways that all of this will be reviewed. But let's remember that the Privacy Commissioner and the Auditor General don't review all of these 17 departments, even annually. They don't review all of the hundreds of departments and agencies of government even annually. So there is no provision or no guarantee that they would be reviewing the processes of sharing information on any kind of regular basis. There is no provision that the Privacy Commissioner in particular would be reviewing memorandums of understanding, even if they were done. The Privacy Commissioner's powers are limited, among other things, to being able to say whether the process of transferring information was illegal or legal, so there's another gap in those processes that raises serious questions about our rights.

One of the greatest frustrations I feel about this bill is that there is a sentiment, probably, amongst Canadians — there is a fear and a sense — that something needs to be done. I'm not saying that everything in this bill is entirely wrong, but I am saying that there's enough in this bill and a lot in this bill that is threatening to rights.

• (1550)

So much of that could be offset if we just had proper oversight, but we don't have proper oversight. We don't have parliamentary oversight. Oversight is the ongoing, day-to-day policy initiative advice. Review is after the fact. We have no ongoing oversight from an independent third party body, which could be fulfilled by a parliamentary oversight body. Our Five Eyes partners, the key intelligence group within which we work, all have parliamentary oversight — all of them. They have all worked well. The British model that's in the Dallaire-Segal bill has worked exceptionally well; there has never been a leak. We don't have it.

What we have is SIRC, which has a handful of people to supervise CSIS, which has 2,000 or 3,000 people. SIRC now has a budget of $5.4 million to supervise an agency with a budget of $2 billion to $3 billion. SIRC can't supervise anything that goes outside of CSIS, such as an operation that CSIS might be working on with some other group.

We have SIRC. And we have a commissioner who oversees CSEC, which is the communications surveillance group. He has 11 people, and I don't know if the budget is even a million dollars. We have the Civilian Review and Complaints Commission under the RCMP, but they don't just review the terrorism-related activities of the RCMP; they review everything that the RCMP does. Again, that is after the fact. That leaves 17 receiving, designated agencies with some form of national security or policing enforcement responsibility without any supervision at all, without any third party supervision to speak of at all. The Department of National Defence and its efforts, and the Foreign Affairs department, their intelligence and national security enforcement roles are without supervision of any kind.

It is so frustrating to consider that if only we had that, if only we had parliamentary supervision, the kind of super SIRC or SIRC-like supervision over all of these national security agencies, if only we had a Privacy Commissioner who could take a fuller, more active role in the review of the transfer and sharing of information. If only we had those things, many of the concerns that people have with this bill would be alleviated. I'm not saying all of it, but much of the concern would be alleviated. It is simply overkill to do what's being done now without adequate supervision.

Senator Runciman made a very good point. He said the world has changed. This isn't the kind of intelligence environment we found ourselves in even in the Cold War, which was a little less intense. It has changed. It is much more intense, and we are giving more power to police, other enforcement agencies and national security agencies. It goes almost without saying, certainly I would say almost by definition, because of that evolution, the powers are evolving, but the supervision of those powers haven't evolved commensurately and they need to.

Finally, and I alluded to it earlier, there is the whole question of limited resources. We've heard over and over again from the RCMP that they've moved the 600 personnel. That leaves whatever they were doing undone. Unfortunately, some of what they were doing was financial crime, and while that might not look like terrorism, financial crime is often related to terrorism. Those files are now going unattended. They need at least a back-of-the-envelope calculation because we can't get real figures, but it's probably $120 million just to replace the 600, not to mention the extra work that they've got because of terrorism overall, and they've been cut by about 15 per cent in the last three years. Resources are critical. CSIS would say the same thing. Can I have another five minutes?

The Hon. the Speaker: Are honourable senators willing to grant five minutes to Senator Mitchell?

Some Hon. Senators: No.

The Hon. the Speaker: There is an unwillingness to grant Senator Mitchell five more minutes.

(On motion of Senator Marshall, debate adjourned.)

ALLOTMENT OF TIME—NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Bill C-51. Therefore, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts.

[*Translation*]

STUDY ON USER FEE PROPOSAL

HEALTH—EIGHTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Agriculture and Forestry (*Health Canada's User Fee Proposal respecting pesticide cost recovery, without amendment*), tabled in the Senate on April 23, 2015.

Hon. Ghislain Maltais: Honourable senators, I move adoption of the eighth report of the Standing Senate Committee on Agriculture and Forestry.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: On division.

(Motion agreed to and report adopted, on division.)

[*English*]

THE ESTIMATES, 2014-15

MAIN ESTIMATES—EIGHTEENTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on National Finance (Main Estimates 2014-2015), tabled in the Senate on March 31, 2015.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, it's my usual custom to tell you a little bit about what you are about to vote on and I would like to have heard a bit on the last one, which we just voted on. Had we, I would have been able to prepare myself better for this particular matter in knowing what number we were on.

Honourable senators, this is the eighteenth report and final report of the Finance Committee for the last fiscal year. It is a very good summary of the work that we did. It is composed of many pages, and I don't intend to go over them all, but there are over 70 pages of work that was done, a very good review of the work by the Finance Committee.

I thank all those who served on the Finance Committee, including the honourable deputy chair of the Finance Committee, Senator L. Smith, and all the other members of the committee for their work. It's clear from looking at this report the work that was done in bringing you a very good summary of a number of departments that were requesting funding, why they were requesting the funding and what special activities were going on in the various departments we were able to meet with.

Honourable senators, the committee met with 74 witnesses during this latter time of last fiscal year, 23 federal departments and agencies, four Crown corporations and two non-governmental organizations. This is the third and final report of the work that was done, honourable senators.

There are just a few highlights that I —

The Hon. the Speaker: Honourable senators, we have come to 4 o'clock. Senator Day, the item will stand in your name at the next session, but given that it is 4 p.m., pursuant to the order adopted by the Senate on February 6, 2014, I declare the Senate continued until Thursday, May 14, 2015, at 1:30 p.m.

(The Senate adjourned until Thursday, May 14, 2015, at 1:30 p.m.)

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