



DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 154

OFFICIAL REPORT
(HANSARD)

Wednesday, June 17, 2015

The Honourable LEO HOUSAKOS
Speaker

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: 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, June 17, 2015

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

[English]

Prayers.

CARDING

[Translation]

SENATORS' STATEMENTS

LOUISIANA

TWO HUNDRED AND FIFTIETH ANNIVERSARY OF FIRST ACADIAN SETTLEMENT

Hon. Rose-May Poirier: Honourable senators, today I am pleased to talk about the 250th anniversary of the first Acadian settlement in Louisiana and to offer you a glimpse of another facet of Acadian history, one set in Louisiana.

After the deportation in 1755, one Acadian, Joseph Brossard, better known as Beausoleil Brossard, together with four of his sons and other Acadians, led a resistance against British troops. He continued his resistance until 1761, when he was captured. After the Treaty of Paris was signed in 1763, Beausoleil Brossard set out for Saint-Domingue. Because of the very different climate, he and his group of 193 Acadians relocated to Louisiana.

The territory belonged to Spain, but that did not prevent cordial cohabitation. In fact, in 1785, the Spaniards went to get Acadians from France to colonize Louisiana. No fewer than 1,598 Acadians came to the Lafourche bayou.

After the territory was transferred to the United States, and following the 19th century American Civil War, Cajun assimilation picked up speed. For example, in 1916, a law came into force prohibiting the use of any language other than English as the language of instruction in schools. However, in 1968, the Council for the Development of French in Louisiana was founded. Its mission is to support and grow francophone communities through French education, and thanks to its work, the French language and Cajun culture have survived. With ambassadors such as Zachary Richard, Cajuns are certainly well represented.

Why are they called Cajuns? Well, the first Acadians in Louisiana were called *Cadiens* by the Creoles. Over time, the English pronunciation became more distinctly "dj," and the word shifted from *cadien* to *cadjain* to Cajun.

Honourable senators, join me in recognizing the perseverance and courage of the Cajuns and saluting the Arsenault, Bastarache, Comeau, Maillet and Thibodeau families and all of the other Acadian families that reluctantly took up the challenge of relocating to Louisiana after being deported from Acadia. To this day, they are living their language and their culture.

Thank you.

Hon. Mobina S. B. Jaffer: Honourable senators, no Canadian should have to apologize for their race. No Canadian should have to explain their actions because of their skin colour. Their actions are what should speak loudly of them, and yet I am saddened to say there is a practice that our police forces in the Greater Toronto Area use that does exactly this.

The practice of carding is shining a light on a very troubling issue that visible minorities face on a daily basis. Carding is a practice where police officers stop, question and document people during non-criminal encounters. And it is creating a divide between our law enforcement officers and those they are meant to protect.

Honourable senators, I want to share the story of Desmond Cole with you.

Desmond Cole is a young man from Toronto who has spent 10 years under constant police suspicion. In April, Mr. Cole published a telling article in *Toronto Life* explaining that he has been approached by the police in southern Ontario more than 50 times.

Honourable senators, I want to be clear: Desmond Cole has not committed a crime. He has never been in trouble with the law, but there is one factor that seems to draw the attention of the police — Mr. Cole is Black.

The first time he was stopped by the police, he was a student at Queen's University. He was walking with a White female friend when the police confronted them and asked his friend if she needed help.

Honourable senators, think of the feeling that young man must have felt when he realized that he was being considered a threat to his own friend, such a quick and extremely insulting judgment of his character. On top of that, he had to endure the humiliation of having his friend assure the officers that no, he was not a threat simply because he was walking with a young woman of a different race.

His experience only reiterates what the statistics tell us: that young men of black or brown skin are, on average, five times more likely to be stopped and carded than White individuals. In some parts of Toronto, they are 17 times more likely to be stopped and carded.

Honourable senators, ending carding is the first step in dealing with the racial profiling that so many, like Mr. Cole, face on a daily basis. It is the first step to mending the relationship between Canadians like Mr. Cole and law enforcement, and it is the first step to making all Canadians feel safe in our great country of Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a visiting delegation from Taiwan's Council of Indigenous Peoples led by Minister Chiang-Yi Lin; and Officials of the Taipei Economic and Cultural Office, TECO: Representative Bruce Linghu, Deputy Bill Chen, Alex Fan, Simon Sung and Henry Lin. They are guests of members of the Canada-Taiwan Friendship Group.

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

Hon. Senators: Hear, hear!

TAIPEI ECONOMIC AND CULTURAL OFFICE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, on behalf of my Senate colleagues who are members of Canada-Taiwan Friendship Group, I rise today to recognize our friends of the Taipei Economic and Cultural Office, TECO, in Ottawa: Representative Bruce Linghu, Deputy Representative Bill Chen, Executive Director Alex Fan, Deputy Executive Director Simon Sung and Executive Assistant Director Henry Lin. With them is the delegation of the Council of Indigenous Peoples of Taiwan led by Minister Chiang-Yi Lin.

On behalf of my colleagues who value your friendship and appreciate the work you do, welcome to the Senate of Canada.

In April, I had the opportunity to travel to Taiwan for the first time. The trip was a wonderful opportunity to learn more about Taiwan and to gain a better understanding of its history, culture, priorities and shared interests with regard to Canada. These interests have steadily grown in important dimensions, which include education, tourism, and emerging issues such as environmental protection, interests of our Aboriginal peoples and, most significantly, trade and investment.

In 2014, total trade between Canada and Taiwan reached \$6 billion, with Canadian exports valued at \$1.4 billion and imports valued at \$4.6 billion, making Taiwan Canada's twelfth largest trading partner in the world and fifth largest Asian trading partner.

Our delegation also visited Mackay Memorial Hospital, a state-of-the-art medical institution, established and named after the founder and their inspirational hero, Dr. George Leslie Mackay, a notable Canadian. During his 30 years in Taiwan, Dr. Mackay dedicated his life to ministering to the physical, emotional and spiritual needs of each patient with deep compassion and love.

• (1340)

The Mackay Memorial Hospital built the first intensive care unit in Taiwan, as well as the first suicide prevention centre in Southeast Asia. Dr. Mackay's legacy continues in Taiwan, as his love guides the hands of the physicians, nurses and personnel to this day.

From Taiwan's President Ma Ying-jeou to every person we met during our visit, their warmth, hospitality and genuine regard for all things Canadian were clearly evident. We all know that the future of Canada-Taiwan relations is full of opportunity and potential.

Honourable senators, I wish to take a moment once again to recognize the officials of the Taipei Economic and Cultural Office for their tireless effort in enriching the valuable economic and people-to-people ties between Canada and Taiwan, under the strong and capable leadership of Bruce Linghu.

Additionally, I wish to acknowledge Deputy Representative Bill Keh-Ming Chen, who has served in Ottawa for more than six years and who is soon returning to Taiwan to serve in a greater leadership capacity. Throughout his tenure in Ottawa, Mr. Chen has contributed to deepening Canada-Taiwan relations and witnessed many achievements, including the signing of the Youth Mobility program, the visa-waiver program, the renewed air transportation arrangement, and broader trade and investment cooperation between Canada and Taiwan.

Honourable senators, please join me in recognizing Representative Bruce Linghu, Deputy Bill Chen and the Taipei Economic and Cultural Office in Canada for their great efforts in strengthening Canada-Taiwan relations.

Hon. Senators: Hear, hear!

THE LATE DANIEL WOODALL

Hon. Douglas Black: Honourable senators, I rise today to ask all senators to join with me in offering our deepest condolences to the family of recently murdered Edmonton Police Service Constable Daniel Woodall.

Constable Woodall is being laid to rest today, with his grieving parents, wife and two young boys wrapped in the arms of support of all Edmontonians and Albertans.

Across Edmonton, porch lights are on, blue ribbons are hung from thousands of trees, and bridges and buildings are bathed in blue light, all to show respect for the sacrifice of Constable Woodall and to show solidarity with the men and women of the Edmonton Police Service.

We know from our own experience as senators here on Parliament Hill on October 22 the courage shown by those whose job it is to protect others. The fact that first responders put their lives at risk to protect the values of our society deserves our respect and our commitment to support those men and women in every way possible.

Daniel Woodall was serving a warrant when a hate-filled man murdered him and wounded his colleague, Sergeant Jason Harley.

This senseless act has left his wife a widow and his two sons without a father. It has also left Edmonton shaken and raw.

Today, as I speak, as his funeral procession winds slowly through Edmonton, through our sorrow and our anger, we have to be thankful for a good man and thankful that our communities come together so strongly in times of grief.

Finally, we senators want Constable Woodall's wife, Claire Woodall, and his two very young sons to know that their husband and father served Canada, died honourably and will be remembered.

Hon. Senators: Hear, hear!

THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON INDUCTION TO MARITIME SPORT HALL OF FAME

Hon. Jane Cordy: Honourable senators, last fall, the Maritime Sport Hall of Fame was established to recognize and preserve the legacies of sports teams and athletes from New Brunswick, Nova Scotia and Prince Edward Island who competed and attained the highest honours on a regional, national or international level of competition.

On June 10 of this year, the inaugural class of athletes and teams was officially inducted into the Maritime Sport Hall of Fame in a ceremony held at the Hall of Fame at the BMO Centre in Bedford, Nova Scotia.

Honourable senators, I would like to congratulate Senator Willie Moore, who was included in the inaugural class of inductees as a member of the 1961-62 Halifax Kingfishers Junior A hockey team.

The Halifax Kingfishers were an independent Junior A team competing at a time when junior hockey was struggling for fans and finances. Junior hockey in the province was at a low point in 1961, and the junior leagues had dwindled to a point where the Kingfishers would pick up games against senior teams, junior-juvenile teams and varsity teams in order to remain competitive. And, honourable senators, competitive they were.

The Maritimes were well represented that year on the Kingfishers team, as their roster included players from around Nova Scotia as well as New Brunswick and Prince Edward Island. They captured the Nova Scotia junior title by defeating the Trenton Scotias and the Maritime Junior Hockey Championship title by defeating the Fredericton Capitals.

The Halifax Kingfishers capped off a very successful 1962 season by playing in the Memorial Cup finals against the Ottawa Montagnards. All four games of the series were played in the Halifax Forum before a packed house each night. Nearly 20,000 fans took in the games. The second game of the series was

played on the Saturday, and for the first time in Nova Scotia, a local hockey game was televised across the province. Another good friend of mine, George Croucher of Dartmouth, was a teammate of Senator Moore on this great hockey team.

Although the Kingfishers did not win the Memorial Cup, the team is credited with inspiring the tens of thousands of fans who followed the team with great interest during the Memorial Cup run and sparking a renewed interest in junior hockey in Nova Scotia. That interest has continued through to today. The Maritimes now boasts five Quebec Major Junior Hockey League teams, and in 2013, Halifax finally won that Memorial Cup. Many believe that today's success of junior hockey in the Maritimes can be directly linked to the success of that 1961-62 Halifax Kingfishers team.

Senator Moore, I wish to congratulate you on your induction into the inaugural class of the Maritime Sport Hall of Fame.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery, all the way from Tuktoyaktuk, Sister Fay Trombley, Dorothy Loreen and Hannah Hua. Also with them are Mrs. Karen Sibbeston and her daughter Laurie Sibbeston, with her two children Stone and Salix, who are the guests of the Honourable Senator Sibbeston.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former Law Clerk and Parliamentary Counsel, someone who has served this institution with integrity and commitment for many years, Mr. Mark Audcent.

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

Hon. Senators: Hear, hear!

MARY GORDON, C.M., O.N.L.

CONGRATULATIONS ON HONORARY DOCTOR OF LAWS DEGREE

Hon. George J. Furey: Honourable senators, I rise today to pay tribute to a great Newfoundlander and Labradorian and, indeed, a great Canadian who, on May 26 of this year, was awarded an honorary Doctor of Laws from Memorial University.

From her early beginnings as a kindergarten teacher, Mary Dyer Gordon has been driven by her empathy for children and parents coping in a world of rapid social changes.

She is recognized internationally as an educator, social entrepreneur, author, child advocate and parenting expert who has created award-winning programs informed by the power of empathy.

In 1996, she founded Roots of Empathy, whose mission is to build careful, peaceful and civil societies through the development of empathy in children and adults. Her program, which is used in many schools today, has had proven and documented successes in breaking cycles of violent and abusive behaviour.

Over her career, she has been invited internationally to share her inspired ideas on persistent social problems. She has been honoured internationally with several prestigious awards. Her work has resulted in a number of documentary films, and her book *Roots of Empathy: Changing the World Child by Child* is a Canadian bestseller.

Because of her numerous achievements, she was admitted to the Order of Canada in 2005, the Order of Newfoundland and Labrador in 2012, and in 2011 she was the recipient of the Manning Innovation Award for top social entrepreneur in Canada.

• (1350)

Honourable senators, please join me in congratulating Mary Gordon on her many outstanding achievements.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

STUDY ON NON-RENEWABLE AND RENEWABLE ENERGY DEVELOPMENT IN NORTHERN TERRITORIES

FOURTEENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Richard Neufeld: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Powering Canada's Territories*.

(On motion of Senator Neufeld, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

ELEVENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Expanding Canadian Businesses' Engagement in Foreign Markets: the Role of Federal Trade Promotion Services*.

(On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

ENHANCEMENT OF CIVILIAN REVIEW AND OVERSIGHT IN THE ROYAL CANADIAN MOUNTED POLICE BILL

BILL TO AMEND—FIRST READING

Hon. Grant Mitchell introduced Bill S-232, An Act to amend the Royal Canadian Mounted Police Act (Civilian Review and Oversight Council for the Royal Canadian Mounted Police and the Royal Canadian Mounted Police Ombudsperson) and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

UNDERGROUND INFRASTRUCTURE SAFETY ENHANCEMENT BILL

BILL TO AMEND—FIRST READING

Hon. Grant Mitchell introduced Bill S-233, An Act enacting the Underground Infrastructure Safety Enhancement Act and making consequential amendments to other Acts.

(Bill read first time.)

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

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

[English]

QUESTION PERIOD

NATIONAL DEFENCE

SEXUAL MISCONDUCT AND SEXUAL HARASSMENT IN THE CANADIAN ARMED FORCES

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Leader, as I am sure you are aware, yesterday the CBC broadcast an interview with the Chief of the Defence Staff, General Tom Lawson, and when he was asked about sexual harassment in the military, the subject of the recent Deschamps report, he said it's terrible but that "it's because we're biologically wired in a certain way and there will be those who believe it is a reasonable thing to press themselves and their desires on others."

One might have thought this was a slip of the tongue, but a few minutes later he said the same thing again, this time when he was asked about cases before the courts of cases of sexual harassment at the Royal Military College. He said it gets back to "we believe it's a little bit of biological wiring and inappropriate behaviour"—sufficiently inappropriate to be before the courts.

The Deschamps report made it plain there is a serious cultural problem within the Armed Forces and makes it plain that, as anyone who has worked in this field knows, the change has to start at the top. I suggest to you that General Lawson's words indicate that cultural change has not occurred sufficiently at the top.

Will the government undertake now to order, as a matter of urgency, that all senior officers undergo intensive expert training in the cultural difficulties that create the culture that Ms. Deschamps spoke of, and that they are instructed in how to change their own behaviour as well as the behaviour of those under them?

[Translation]

Hon. Claude Carignan (Leader of the Government): As you know, senator, General Lawson apologized for his inappropriate comments. You know that anyone who chooses to serve the country should never be the victim of sexual misconduct. That is why the Canadian Armed Forces will implement all the recommendations in the Deschamps report.

[English]

Senator Fraser: I certainly hope so. That's a refreshing change from their initial reaction that he accepted most of the recommendations in principle but in practice, we'll just have to see. I would suggest to you, again, that there is a serious cultural problem.

As Ms. Deschamps said in her report, one of the things about this kind of cultural climate is that it becomes so ingrained that people aren't even aware of the problems that exist in their organizational culture. Let me quote another thing from this extraordinary interview that General Lawson gave. You will recall perhaps that last fall Ms. Julie Lalonde, who is an expert in these matters, was invited to give a presentation to the cadets of the Royal Military College — a presentation she has given 100 times or more to many people, including, incidentally, members of Parliament.

She said that she had never received such a hostile reception — indeed to the point of near aggression — as she received at RMC. There were catcalls, sexist jokes and remarks that sounded menacing. She was sufficiently frightened that she asked for an escort back to her car. This is not someone unfamiliar with audiences responding defensively to discussions about sexual assault and sexual harassment. I'm sorry if I'm boring you, leader. She knows what she's doing, she's very experienced, she was frightened and it took RMC five months to apologize to her.

General Lawson was asked about that and he said, "We had officers there watching at the time who saw it slightly differently than Ms. Lalonde and they thought there was a good exchange going on." Well, I would suggest to you that there is a significant problem if officers of the Canadian Armed Forces believe that a good exchange consists of something that terrifies an expert in the field.

• (1400)

I repeat: What will your government do to ensure that, immediately, steps are taken to change that culture, starting at the very top of the Canadian Armed Forces?

[Translation]

Senator Carignan: Since 2006, our government has been fighting on behalf of victims. We have amended legislation to help combat sexual assault, eliminated house arrest for sex offenders, introduced tougher penalties for trafficking in date rape drugs, raised the age of protection to better protect 14- and 15-year-olds from adult sexual predators, renewed funding for the Federal Victims Strategy, helped victims to be heard by the Federal Ombudsman for Victims of Crime, consulted victims regarding programs and services intended for victims, adopted measures to ensure that offenders do not waste victims' time by cancelling their parole hearings at the last minute and increased the amount of financial compensation that offenders have to pay to their victims.

We are very concerned about the findings of the Deschamps report. Sexual assault and misconduct have no place in the Canadian Armed Forces, and we support eliminating this kind of behaviour. As Major-General Christine Whitecross said, and I quote:

What we are going to do is move out on all 10 recommendations, including number three, which is this independent, centralized organization.

That is what she said on May 1, 2015. As I said regarding General Lawson's remark, the Canadian Armed Forces have agreed to implement all of the recommendations made in the Deschamps report.

[English]

Senator Fraser: That is encouraging, but my question was about moving rapidly — something the Armed Forces don't necessarily do except in combat — to improve the training system. The Deschamps report makes it plain that, although on paper there is a lot of training about sexual harassment and sexual assault within the Armed Forces, it's mostly on paper. Recruits get that lumped in with a general two-hour lecture — only two hours — on everything from employment equity, to racism, to human rights in general, to who knows what.

Ongoing training is often online — not very helpful at all. It's something people go through by rote, because they have to, and then forget about it immediately.

Another example from the report is that training is so inadequate that in the last six years, I think, not a single harassment investigator has even completed the training necessary to become accredited. It's a sham.

Will the government undertake now to do something about that?

[Translation]

Senator Carignan: Senator, as we were reminded last week, we need to change the entire culture of some organizations. The Canadian Armed Forces clearly said that they would implement all of the recommendations in the Deschamps report, including the recommendation to create an independent, centralized organization.

Hon. Céline Hervieux-Payette: Could we know when the independent investigating body will be established and what support it will be given? Naturally, there is always the issue of the budget. There is going to have to be someone in charge — who will need help because there are a great many complaints — from the outset, in order to do a comprehensive evaluation of the problem.

By the way, leader, my daughter spent 20 years in the Armed Forces — she and her friend were the only two women in a unit of 150 people — and I can tell you that they were treated in a completely unacceptable manner that resulted in my daughter becoming depressed. This is a real issue.

Senator Carignan: Thank you, senator, for your personal account. As I said earlier when I quoted Major-General Christine Whitecross, the Canadian Armed Forces do intend to follow up on the 10 recommendations, including the recommendation to create an independent, centralized organization, which means taking the necessary steps in a timely manner.

[English]

TARGETS FOR HIRING WOMEN

Hon. Grant Mitchell: I have a supplementary question. My question concerns an issue that is endemic to the previous issue, and that is that the military has indicated that it is reducing its target for the hiring of women. Now that we've heard startling words from the topmost military leader, one wonders whether it's a coincidence between that attitude and a decision to lower the targets for hiring of women.

I wonder whether it is not time, leader, for the Minister of Defence to step in and review that initiative and see about elevating the targets for the hiring of women in the military.

[Translation]

Hon. Claude Carignan (Leader of the Government): The Canadian Armed Forces have confirmed that there was no directive to reduce the number of women hired, and the Chief of the Defence Staff did not approve such a reduction. The representation of women within the Canadian Armed Forces is one of the highest among our NATO allies. Women represent 15 per cent of the army and almost 20 per cent of the Royal Canadian Air Force. Women have been part of Canada's military and have contributed to its rich heritage for more than 100 years. They have been fully integrated into all occupational groups and roles for almost 20 years.

All positions in the Canadian Armed Forces are open to all Canadians, male or female. As we have done since we first came to power, we will continue to support staff recruitment, training and retention, which are key priorities for the Canadian Armed Forces.

[English]

VICTIMS' BILL OF RIGHTS

Hon. Grant Mitchell: One of the initiatives announced by the military shortly after the Deschamps report was the establishment of a victims' bill of rights within the military for those who suffer this kind of sexual, and perhaps other, harassment. Could the minister give us indication of where the process of establishing that bill of rights stands at this point? What kind of resources will be put into implementing the bill of rights? Who will be in charge of it? And will there be a structure with authority to ensure that it works and is implemented effectively?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, we will continue to support the Canadian Armed Forces as they implement the recommendations of the Deschamps report.

[English]

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— VICTIMS' BILL OF RIGHTS

Hon. Grant Mitchell: It is interesting that this is not an isolated case; that is to say that the military is not the only place where sexual harassment is clearly happening. It is happening for sure in the RCMP, and although the RCMP will say that it has taken steps, we still have not really seen a strong empirical indication of progress, because they don't measure it that well.

Why would the military be implementing a victims' bill of rights for sexual harassment and the RCMP would not? Wouldn't it be time for the Minister of Public Safety to look at doing the same thing for the RCMP?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, all of the reported allegations are under investigation. In response to Ms. Deschamps' findings that some of these crimes are not being reported, the Canadian Armed Forces are seeking ways to change how complaints are received and handled and looking at implementing best practices similar to the ones being used in other countries to support victims.

• (1410)

[English]

THE SENATE

STATUS OF SUSPENDED SENATORS

Hon. Percy E. Downe: As this session of Parliament winds down, I have been asked by a couple of people if the Leader of the Government in the Senate could explain what the status of the suspended senators will be when the election is called.

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, I invite you to consult the Clerk on the impact of the dissolution of Parliament.

[English]

Senator Downe: The reason I ask, of course, is that Senator Segal indicated in his excellent article in *The Globe and Mail* last week — and I forgot you had drafted some of the documents for the suspension. When the election is called, is it your understanding that they will continue to be suspended, or will they become full senators again with office salaries and so on?

[Translation]

Senator Carignan: You mentioned Senator Segal, but I do not put much stock in what he writes about the suspension resolutions. I invite you to consult the Clerk on the impact that the dissolution of Parliament will have on the suspensions.

[English]

Senator Downe: I will pass that on to the people who asked for your very thoughtful answer.

[Translation]

TRANSPORT

CANADA POST—OFFICIAL LANGUAGE SERVICES

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate.

My question is about Canada Post, which is changing the linguistic designation of its offices across Canada because now that we no longer have a census, Canada Post has to reassess the services it provides to official language minority communities.

Canada Post is using current criteria that do not reflect our reality and statistics that exclude children of eligible families, immigrants who speak French, and many other people back home in Manitoba and across Canada.

Canada Post is going by a principle that is unfair and using Treasury Board rules that are based on a proportion of 5 per cent. If you start with a lower number, you can be sure that you will have a hard time getting to 5 per cent.

As a result of all that, the linguistic designation is being removed from post offices in Manitoba, including the office in Saint-Norbert, which is in the process of having its bilingual designation removed, and four offices in Moncton, New Brunswick, the only bilingual province in Canada. That is what happens when we can't change criteria and rules that do not meet our needs.

Leader, Canada Post is taking away the gain we have made, our services and our rights, and it is not fulfilling its obligations under the Official Languages Act.

Senator, could you please intervene with the minister responsible for Canada Post to ensure that there is real consultation with the communities affected so that Canada Post stops eliminating everything we have accomplished? It is in cases like this one that these policies, definitions and rules are unfair to us. That is the reality; we are losing the gains we have made. Could I ask you to please intervene with the minister responsible for Canada Post?

Hon. Claude Carignan (Leader of the Government): Senator, as you know, Canada Post is an independent agency that makes its own decisions and is subject to the Official Languages Act. We expect Canada Post to fully comply with the Official Languages Act.

Senator Chaput: I have a supplementary question. In that case, to whom do we complain when Canada Post does not fulfill its obligations, when there is no leadership or culture within this organization to ensure that our language rights are not violated? To whom will we complain, leader?

Senator Carignan: Senator, as you know, Canada Post has a number of obligations under the Official Languages Act. We expect it to obey the law. If people believe that their rights have been violated, then they should take legal action.

Senator Chaput: Once again, we have to go to court to ensure that our rights are respected? Legal action takes money and, in the meantime, services are being cut and communities are being assimilated more and more.

Is that the fate of francophones living in minority communities?

Senator Carignan: Senator, as you know, our government has made significant investments in enforcing the Official Languages Act and developing the official languages, particularly in minority communities. We take that commitment very seriously.

What is more, the Prime Minister just wrote to his ministers, his deputy ministers and senior officials in the public service, reminding them of the importance of the French fact in Canada and praising francophone communities. I encourage you to take a look at that.

Senator Chaput: Leader, that does not answer my question about the problems at Canada Post. Who writes to Canada Post when it fails to meet its obligations? The government can allocate funding to the Official Languages Committee so that it can carry out studies. We recognize and appreciate that measure, but what happens when French-language services are cut in areas that are primarily anglophone? Bit by bit, you are taking away the services that we need.

Why does VIA Rail go beyond the requirements of the Official Languages Act and offer services in both official languages all across Canada? It is not required to do so, but it goes beyond the requirements. Why does Canada Post do as little as possible and why does the government let that happen? You are telling me that you can't do anything about it, that the ministers can't intervene and that people have to take legal action. That does not make sense, leader. What would you do if you were me?

Senator Carignan: Canada Post is an arm's-length agency that makes its own decisions and is subject to the Official Languages Act. We expect Canada Post to fully comply with the Official Languages Act.

Senator Chaput: What does the government do when people do not comply with the law, when the Official Languages Act is violated? Who takes care of that? It's a Canadian law, is it not?

Senator Carignan: Senator, as you know, the Official Languages Act has a comprehensive legal framework that sets out offences and enables the Commissioner of Official Languages to conduct reviews. We will continue to support bilingualism.

Our government has made historic investments to promote and protect the official languages, including adopting the Roadmap for Canada's Official Languages. With an envelope of \$1.1 billion, the roadmap represents the most comprehensive investment in Canada's national languages in Canadian history. That is an indisputable fact, and once again, our Prime Minister sent a letter today to all of his ministers, deputy ministers and senior public officials to remind them of the importance of the French fact and bilingualism in Canada.

Senator Chaput: I have a request. Could you please approach the Prime Minister of Canada and ask him to send a letter to all of the institutions that are subject to the Official Languages Act to remind them of their obligations under the Official Languages Act? Could you please do that for us?

Senator Carignan: Senator, the Prime Minister sent the letter to the Clerk of the Privy Council so that it could be passed on to all senior public servants.

[English]

CANADA POST—COMMUNAL MAIL BOXES

Hon. Grant Mitchell: It's not just the service with respect to francophone language, and so on, which is extremely important.

• (1420)

In my constituency, the city where I live, Edmonton, there is increasing evidence that the post office has been extremely unresponsive to people's efforts to consult with the post office about the placement of communal mailboxes. They are losing their door-to-door service, and communal mailboxes are arbitrarily being placed in locations where the neighbourhoods themselves don't feel they should be. What can a community do? What can residents of a city like Edmonton do to try to get the attention of the post office, which clearly seems to be unresponsive in a number of important relationships with Canadians, both anglophone and francophone? What can they do to get their attention so that they could be consulted fully and properly on the placement of these communal mailboxes?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, I think you are confusing the issues a bit. In 2014, Canada Post cut back on mail delivery. It delivered the equivalent of \$1.4 billion less than it did in 2006. Two thirds of Canadians do not receive their mail at home. Canada Post has to balance its budget without burdening taxpayers. That is what we expect from it. The NDP's plan for Canada Post would cost half a billion dollars a year, which means that it would have to raise taxes on Canadians.

In this day and age, Canadians are choosing to communicate by means other than the mail. Because of plummeting demand, postal traffic has decreased by nearly 25 per cent since 2008. As an arm's-length Crown corporation, Canada Post is responsible for its own activities, including operational and financial decisions regarding mailboxes. Canada Post recently reached agreements regarding home delivery service with some municipalities, such as Terrebonne, and is currently negotiating with other communities in various regions. These are operational decisions made by an independent entity that is responsible for its own activities and for managing its own operations.

CANADA POST—MINISTERIAL RESPONSIBILITY

Hon. Céline Hervieux-Payette: Mr. Leader, unless I misunderstood your answer, as a lawyer, I cannot believe that Canada Post does not fall under the jurisdiction of any department, minister or higher organization. The Government of Canada is the only shareholder in this corporation.

My colleague's question was therefore completely relevant. To whom does the President of Canada Post report to and to whom does he submit his reports? Is it the Treasury Board? The Department of Finance? You should be assuring us that these authorities are aware of the problems mentioned earlier. I don't have all the necessary information on hand, but it seems to me that you should have access to contacts who could get the information to Senator Chaput so that dissatisfied Canadians can speak to the main shareholder, the government, which is represented by the individuals or departments responsible for this file. Canada Post may be an arm's-length agency, but it is not an NGO or a corporation under the Canada Corporations Act. It is a Crown corporation, and because of that, there must be a government authority responsible for it. We are simply asking you to tell us, through Senator Chaput, which federal authority is responsible for this Crown corporation.

Hon. Claude Carignan (Leader of the Government): Canada Post is an independent Crown corporation that is responsible for its own activities and operational and financial decisions.

[English]

CANADA POST—COMMUNAL MAIL BOXES

Hon. Jane Cordy: In terms of Canada Post not following the Official Languages Act, your answer is basically, "*Que sera sera.*" I voted against allowing doing away with door-to-door delivery because of the hardship on seniors, and Nova Scotia has the highest percentage of seniors in the country. So I knew that this would be a hardship for the people in my province.

That aside, Senator Mitchell spoke earlier about Canada Post just plunking down these mailboxes wherever they please, and I have been hearing of cases where a person has actually gone to the municipality and obtained permission to put a garage in on his property. He arrives home one day from work and discovers that, lo and behold, where he was going to put the garage, Canada Post is now putting mailboxes.

[Senator Carignan]

Is there no responsibility? Is there no accountability? Does this government not take any pride in helping Canadians deal with Canada Post? There is a responsibility with the Canadian government.

The Hon. the Speaker: I regret to inform the chamber that the time for Question Period has elapsed.

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 wish to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Bill C-35, followed by all remaining items in the order that they appear on the Order Paper.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Hon. Paul E. McIntyre moved second reading of Bill C-35, An Act to amend the Criminal Code (law enforcement animals, military animals and service animals).

He said: Honourable senators, I'm honoured today to speak in support of Bill C-35, the justice for animals in service act. The purpose of Bill C-35 is to bring forward Quanto's Law to recognize that animals used in law enforcement are often put at risk in assisting police in their duty to enforce the law and protect society.

Honourable senators will recall that Quanto was an Edmonton police service dog that was fatally stabbed on October 7, 2013, by a suspect while assisting police in apprehending that suspect. The person who killed Quanto was subsequently convicted under the existing section 445 of the Criminal Code, the wilful killing of a dog, along with several other offences arising from the events of October 7, 2013.

The court heard that the suspect was on parole and high on cocaine and methamphetamines when police caught him driving a car with stolen plates and tried to pull him over. He sped over a median and several curbs, blowing out three tires before abandoning the car in a parking lot.

He then took off on foot. Quanto was deployed, and, when the suspect was stopped by Quanto, he repeatedly stabbed the dog. Quanto's killer was sentenced to a total of 26 months in prison on various charges, of which 18 months was specifically for the offence of killing Quanto.

The court also banned this individual from owning a pet for 25 years and banned him from driving for five years. In sentencing the offender, the judge stated that the attack on this dog was not just an attack on a dog. It was an attack on our society and what is meaningful to our society.

Bill C-35 proposes several amendments to the Criminal Code that would specifically prohibit the killing or wounding of a law enforcement animal, a military animal or a service animal through the creation of a new Criminal Code hybrid offence.

The bill provides a definition of each of these terms.

- (1430)

A “law enforcement animal” would be a dog or horse that is trained to aid a law enforcement officer in carrying out that officer’s duties. A “military animal” would be an animal that is trained to aid a member of the Canadian Forces in carrying out that member’s duties. A “service animal” would be an animal that is required by a person with a disability for assistance and that is certified in writing as having been trained to assist a person with a disability by a professional service animal institution.

This new offence would be similar in several respects to the existing offence of cruelty to animals in section 445 of the Criminal Code, but it would only capture the killing or wounding of these animals.

[Translation]

The offence of killing a law enforcement animal while it is aiding a law enforcement officer in carrying out that officer’s duties would be punishable by a maximum of five years’ imprisonment and a minimum sentence of six months on indictment.

When a law enforcement animal is injured, there would be no mandatory minimum sentence and the maximum sentence would be five years’ imprisonment on indictment.

On summary conviction the offence would be punishable by a maximum of 18 months’ imprisonment or a maximum fine of \$10,000 or both.

The proposed changes would also require the sentence to be served consecutively to any other punishment imposed for an offence arising out of the same event or series of events.

The maximum sentences for the killing or injuring of military animals or service animals would be the same as for the offences committed against law enforcement animals, but with no mandatory minimum sentence.

The changes would also require the sentencing court to give primary consideration to the objectives of denunciation and deterrence when sentencing an offender found guilty of the new offence.

[English]

I look forward to the testimony of the witnesses who will be invited to appear before the Standing Senate Committee on Legal and Constitutional Affairs regarding Bill C-35. I understand that there was strong support for this legislation from those who are intimately acquainted with the invaluable assistance provided by these animals, including both the police and persons with disabilities.

It is important that Bill C-35 not only address acts of violence committed against law enforcement animals, but that it also deal with such conduct directed against military animals and service animals.

Let me give you an example of how Bill C-35, once in force, would be applied by a court. Consider this scenario: A Canada Border Services Agency, CBSA, officer is accompanied by one of the agency’s detector dogs and is searching for contraband drugs at a Canada-U.S. border crossing. Drugs are discovered. The driver of the vehicle grabs a baseball bat that was in the vehicle and assaults both the officer and the detector dog. Other border service officers quickly intervene and overpower the driver and restrain him until the arrival of the police. The driver is arrested and is later convicted of several offences, including possession for the purposes of trafficking of a Schedule II substance contrary to section 6 of the Controlled Drugs and Substances Act; assault with a weapon on a peace officer; and wilfully injuring a law enforcement animal contrary to the new offence in proposed section 445.01 of the code.

Under existing section 718.02 of the Criminal Code, the court that imposes the sentence for an assault with a weapon of a border service officer must give primary consideration to the objectives of denunciation and deterrence of the conduct that forms the basis of the offence. A proposed amendment in Bill C-35 would require the court to order that the sentence imposed for the assault with a weapon of a border service officer be served consecutively to the sentence imposed for the drug offence.

Under another proposed amendment in Bill C-35, the court would be required to order that the sentence imposed for injuring the CBSA detector dog be served consecutively to the sentence imposed for the drug offence, as well as the offence of assault with a weapon on the border service officer.

Honourable senators, I support Bill C-35 because it addresses a gap in the Criminal Code. I firmly believe that there is a need to enhance the protection afforded law enforcement animals, military animals and service animals in the law. I also believe that the measures contained in this proposed legislation are measured and reasonable.

Thank you.

Hon. Jim Munson: Honourable senators, I, too, rise to participate in this debate on Bill C-35, better protection for police and military animals and for animals trained to assist

people with disabilities. This is the purpose of Bill C-35, the justice for service animals act, Quanto's Law, and I agree with it, but there are some reservations.

Service animals provide essential support to members of organizations such as the RCMP, Canada Border Services Agency and the Correctional Service. If they are killed while carrying out these services, they are dying in the line of duty. To put it in perspective, though, over the past 50 years, 11 service dogs have been killed. There are currently 310 service dogs within the three organizations I just mentioned. Clearly the problem Bill C-35 is meant to address is more significant in principle than in experience.

This bill has gained much prominence in Parliament. As the honourable Senator McIntyre mentioned, the story of the Edmonton police dog Quanto, who was stabbed to death by a suspect he was chasing, does have poignancy. Human beings should not injure or kill animals. That is heartbreaking. However, to highlight the need for a legislative response to this and a handful of comparable incidents within the last Speech from the Throne is excessive. For us to be engaged in the government's urgent push for this bill to be considered and passed promptly — and this is promptly, as this will be two days and that's it — to say this is excessive is an understatement.

It seems there is such an urgency to this bill in comparison to issues like child poverty, the environment and injustices incurred by our Aboriginal population. That is what is really heartbreaking. The government doesn't have the heart or good judgment to initiate an inquiry, for that matter, into murdered and missing Aboriginal women, but this is urgent. That doesn't seem to have any urgency. I just don't get that.

But back to the bill, of course animals should be protected and anyone who harms them should be held accountable for their crime. This principle is valid. Unfortunately, it is the only valid element of Bill C-35 that I can see at this juncture. This bill has flaws and it's our duty to address them both in committee and within this chamber. Among those flaws is a fundamental disconnect between proposed amendments to the Criminal Code and the bill's potential to actually accomplish what it has been created to do — that is, prevent harm to service animals.

The amendments criminalize injuring and killing service animals. They also create, and here we go again, a mandatory minimum sentence for the crime to be served on top of other sentences the offenders must serve. The sentence for killing or injuring animals assisting law enforcement officers is a minimum of six months up to a maximum of five years in prison. This bill is an example of the government's tough-on-crime ideology, but I am sure that judges using common sense will continue to make their decisions based on individual cases.

Mandatory criminal sentences are not preventative. They will have no impact on risks to the safety of service animals or to the financial investments that go into training them. This bill illustrates all too well how real-life situations, with all their unpredictability and complexity, have to be the "touch point" for the laws we create and amend.

[Senator Munson]

There is an unappealing familiarity to Bill C-35's proposed Criminal Code amendments requiring mandatory sentences. These amendments are part of a larger agenda, that being the government's ongoing disdain for the distinct powers and influence of judges. I am talking specifically about a judge's duty to apply wisdom and discretion to the circumstances of the cases they hear.

• (1440)

For every crime there are different variables and intentions. Disabling our mechanisms for listening and being receptive to an accused's story holds human rights implications that affect us all. I chose today to make the point that we lack enough experience with the crime in question — again, 11 killings in the past 50 years — to exclude consideration of human and social factors related to each case.

My concerns lead me to think that the government is too focused on altering the Criminal Code and other tools of law. It would be, in my opinion, useful to turn our attention away from legal mechanisms and learn about the policies and practices of the federal organizations using service animals. Are there parameters around the types of situations where service dogs are brought in? Are there measures to guide them in reducing risks to the animals? Information such as this would contribute positively to the considerations at committee that all of us will have to make this week. By considering alternatives to what is laid out for us in Bill C-35, we will be asserting our ability and living up to our duty to think independently of what we are being urged to think.

The best thing about this bill is its purpose, as narrow as it might be. If it's going to be improved, it will have to include provisions crafted to support this purpose and, as I mentioned, the committee and this chamber is where those improvements can be made.

I have received a number of letters from folks across the country and, as I said at the beginning of my speech, I agree in essence with this bill but there are so many other important things that we're not going to see in this particular Parliament.

I will put on the record a letter from Mr. Roger William Andrews from Fraser Heights, Surrey, British Columbia:

Dear Senator Munson,

I have been watching the progress of Bill C-35 Justice for Animals in Service Act (Quanto's Law) since its introduction. This law is very important to me as I have a service animal for the Post Traumatic Stress Disorder I developed as a paramedic over a decade ago. This Bill has made it through the House with the support of all parties. It is now up to you as a Senator to pass this Bill so that it may receive Royal Assent and become law.

I realize that we are quickly approaching the end of this 41st Parliament and if this Bill does not pass quickly through the Senate, I fear it will die on the floor and not be reintroduced for some time. . . .

Bill C-35 means a great deal to those of us with service animals for disability as well as for police and military animals. . . .

He signs off “sincerely.”

The reason why I brought this letter to our attention is that I would also like to bring this letter and thousands of other letters to the attention of Tom Mulcair and other people like him who say we don't have very much to do here in terms of reviewing and taking a look at bills and that Canadians really don't care what we do here.

Well, with this bill and Bill C-51, and you name the bills; the reform bill, Michael Chong's bill, and other bills we're dealing with; Bill C-377, we all know it here, as senators, that we are receiving thousands of emails and letters from across the country. Canadians who I would like to think are the silent majority — and not the columnists who are the loud minority — are paying attention to the work that we do as senators. This is a good bill, and I want the Senate to know I support it.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I rise to state my unequivocal support for this bill. The fact that there is a small number of deaths in the line of duty of these magnificent animals does not in any way detract from the importance of it, the obviousness of the need for this protection for these animals, and it seems to me this falls well within the role of Parliament to deal with those issues that do not necessarily have incredibly complex, deep and underlying social issues of great complexity, but in fact reach a point where they are so obvious to Canadians that a certain group needs protection.

I remind my colleagues that these animals undergo up to four years of training and have a relatively short lifetime in terms of the useful period in which they can be at their maximum capability. I would be remiss if I didn't point out the very large numbers of service people whose lives have been saved as a result of the actions of these incredibly unselfish, totally brave and highly trained animals. That doesn't go into the area of those persons who need them on a day-to-day basis for their own life existence in the form of service animals. They are simply magnificent animals and they deserve our protection from those who would take their lives unnecessarily.

Hon. Larry W. Campbell: Honourable senators, I rise to voice my support for this bill. I sit here having great difficulty having police dogs described as “animals,” and I realize that's what they are, but when you work with them on a daily basis with a dog master and you see their personalities and you understand how incredibly well trained they are, it brings it home to you.

Some 40 years ago I was involved in a bank robbery — I wasn't committing it.

Some Hon. Senators: Oh, oh!

Senator Campbell: Well, that should get the Auditor General off our case.

In this incident, a dog master was wounded and a dog killed. I can tell you that the outpouring of grief from our detachment is only comparable to the outpouring of grief that we have for those whom we respect and work with. I fully support this.

I actually think the penalties are a little light, but the part I do like about it — and you know I'm not big on consecutive sentences — is that you start with this sentence and then start adding to it.

So I actually think this is a good bill. I don't think it is on the level of Bill C-51, but certainly it's important to our police and citizens.

Thank you.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator McIntyre, bill referred to Standing Senate Committee on Legal and Constitutional Affairs.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator McInnis, seconded by the Honourable Senator Frum, for the third reading of Bill C-12, An Act to amend the Corrections and Conditional Release Act.

Hon. Larry W. Campbell: Honourable senators, in keeping with Senator McInnis' comments, I will not be lengthy either.

I would like to thank Senator McInnis for his kind words regarding my expertise, but it should be noted that he is not without substantial experience in the area of prisons, addictions and mental illness — and, like the bank robbery, this was not that he committed them, but that in his life he has had extensive experience and so I respect his decisions.

I don't like fighting on a hill I can't win, and this bill really represents such a hill. Instead of recognizing the futility of keeping drugs from prison, this government instead pushes its

own rock up the very same hill. It is doubtful that there is a prison in the world that is drug-free. The nature of the disease, of the addiction, ensures that this will remain so. The addict has no choice. He either gets the drugs or he gets sick.

If I lived in the perfect world as envisioned by the framers of this bill, we would not be having this discussion. Senator McInnis describes the issue of drugs in prisons as a difficult challenge. He says we should not back away and I agree. But instead of adding on time for testing positive, we should be finding ways to treat the problem. This may involve the use of opiates as a maintenance drug inside the prison.

It is interesting that I had a discussion yesterday with a senator who is adamantly against things like supervised injection sites, but would be open to having heroin maintenance in prisons. I thought that that was quite remarkable.

• (1450)

This would also involve intense counselling and treatment inside the prison to put the disease in remission. These actions would make it safer for all —guards, inmates, and the public — when they get released.

I don't have to tell honourable senators that if you can smuggle a handgun or a cellphone or power tools into a prison, getting something small and easily packaged, like drugs, inside is not all that big of a problem. There are simply just too many ways for it to come in, and I believe we discussed that the last time.

It's a myth to think that urinalysis or denial of parole will be an incentive for a prisoner to stop feeding his or her illness. It flies in the face of scientific evidence.

Evidence clearly shows that treatment versus punishment for a medical condition pays dividends — less violence, more cost-effective — and releasing inmates who are prepared to work hard in society and to stay in remission.

I have no idea why the framers of the bill thought there should be a section on parole revocation for breaching conditions of parole. It's already in the law. It's implemented all the time. "I'm out on parole, and I have conditions of not to be in a certain area, do not have alcohol, do not have drugs, do not associate with other persons." It's all covered. "If the police catch me, I'm gone. I'm back in jail." In essence, this bill does nothing.

I realize that many of these prison hang-'em-high bills appeal to the grassroots of the Conservative Party. I hate to tell them that a significant number of them are turning away from the Conservative Party.

I would ask that senators look at the public benefits of this bill, recognize that there are none and vote against it. Thank you.

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

[Senator Campbell]

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

SECOND READING

Hon. Larry W. Smith moved second reading of Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures.

He said: Honourable senators, having completed our pre-study of Bill C-59, An Act to implement certain provisions of the Economic Action Plan 2015, I am pleased to outline briefly the benefits it creates. Our chair, the Honourable Senator Day, will speak in greater detail shortly.

Bill C-59 was tabled in Parliament on April 21, 2015, and other measures were introduced into the House of Commons on May 7, 2015.

[*Translation*]

Economic Action Plan 2015 proposes to legislate on key elements of the government's budget.

[*English*]

With the help of Canada's Economic Action Plan, Canada has experienced the best economic performance among all G7 countries in recent years, both during the global recession and throughout the recovery.

The fact is that since 2006, the government has managed taxpayers' money responsibly, paid down \$37 billion in debt before the global recession, an important reason why Canada's net debt level is so low. Canada's net debt-to-GDP ratio is less than half the G7 average.

The deficit has been reduced from \$55.6 billion at the height of the global recession to a projected surplus of \$1.4 billion for 2015-16. The debt level is still high and requires continued diligence to eliminate it. A balanced budget allows the government to cut taxes further for hard-working Canadians everywhere, which in turn moves the economy to generate better revenues, which will, in time, help to reduce the debt.

Bill C-59 includes measures to continue to support jobs and growth, help communities prosper and ensure the security of all Canadians.

[*Translation*]

Honourable senators, more specifically, Economic Action Plan 2015 will reduce the small business tax rate to 9 per cent by 2019, giving approximately \$2.3 billion back to business people

who will create jobs from now until 2020. It will improve access to financing for small businesses through the Canada Small Business Financing Program. It will invest \$14 million over two years to support young entrepreneurs through Futurpreneur Canada.

[English]

Additionally, Bill C-59 supports seniors and persons with disabilities by introducing the home accessibility tax credit. It will reduce the minimum withdrawal factors for Registered Retirement Income Funds, RRIFs, giving seniors more choices on how they manage their retirement.

Another benefit Bill C-59 has for seniors and individuals is the increase in the Tax-Free Savings Account annual contribution limit to \$10,000.

Families will benefit from an increase in the Universal Child Care Benefit, UCCB, for children under the age of 6, and see a newly expanded UCCB for children aged 6 through 17.

Bill C-59 improves the welfare of veterans and their families by providing a new retirement income security benefit for moderately to severely disabled veterans and expanding access to the Permanent Impairment Allowance for disabled veterans.

Bill C-59 will create a new tax-free family caregiver relief benefit to recognize caregivers.

This year's economic action plan will extend Employment Insurance Compassionate Care Benefits from six weeks to six months to better support Canadians caring for gravely ill and dying family members.

Bill C-59 will ensure the safety of Canadians by providing support for security on Parliament Hill for the protection of visitors, parliamentarians and staff, while maintaining access to our home of democracy.

Bill C-59 will protect the integrity of our borders by expanding the use of biometric screening to further improve the security and integrity of Canadian immigration and facilitate legitimate travel to Canada for low-risk travellers from select visa-required countries.

Our Economic Action Plan 2015 will continue to support infrastructure by investing \$750 million over two years starting in 2017-18, and \$1 billion ongoing thereafter, for a new public transit fund aimed at building new public-transit infrastructure to reduce congestion and fight gridlock in large cities.

It will continue to provide \$5.35 billion per year on average for provincial, territorial and municipal infrastructure under the New Building Canada Plan.

Honourable senators, I ask that you support Bill C-59 and the improvements it will bring to hard-working Canadians.

Thank you.

[Translation]

Hon. Pierrette Ringuette: Would the Honourable Senator Smith take a question?

Senator L. Smith: Madam senator, I would be honoured to hear your question. If I cannot answer it, I will pass it on to my colleague, Senator Day.

Senator Ringuette: Senator Smith, you indicated that Bill C-59 proposes to reduce taxes for small and medium-sized businesses from 2016 to 2020 to the tune of \$2.3 billion, which is about \$500 million per year. How can you applaud that initiative when there is a bill on the Order Paper, Bill S-202, that would immediately cut costs for Canadian businesses by over \$5 billion per year, thereby enabling job creation without using any treasury monies that are meant to pay for services for Canadians?

• (1500)

How can you do that without taking money from the treasury that is meant to pay for services for Canadians? How can you applaud such a measure when there is a measure on the Senate's Order Paper that would cut costs for small businesses in this country by more than \$5 billion? Why will you not budge?

Senator L. Smith: Thank you for your question, senator. I will do my best to answer it. The reduction in costs comes from a reduction of half a percentage point, 0.5 per cent, a year over four years. The costs would drop from 11 per cent to 9 per cent, and the measure would yield savings of \$2.3 billion.

If I have understood correctly, you are referring to Bill S-202, which deals with another matter, and I do not wish to address that. The government looked at reducing small and medium-sized enterprises' (SMEs') operating costs from 11 per cent to 9 per cent over four years.

You seem to be talking about another measure that a committee member suggested. I would not want to lump them together, because one of them clearly targets SMEs' operations. When a small business owner's operating costs are reduced by 2 per cent over a given period of time, that puts more money in his pockets.

Senator Ringuette: Senator, I understand that you would support your government's decision in Bill C-59 as much as possible. However, we have to recognize that \$5 billion a year for Canadian SMEs is much higher than the amount of a tax reduction that might go into effect in 2016, and for a period of only four years.

We also have to recognize that this is a double standard and that the measure introduced in Bill C-59 is weak compared to Bill S-202.

Senator L. Smith: Was Bill S-202 studied by the Standing Senate Committee on Banking, Trade and Commerce?

[English]

Was that bill part of the Banking study?

Senator Ringuette: Yes.

Senator L. Smith: I understand that for whatever reason, the bill has been hard fought by you. Is that correct?

Senator Ringuette: Yes.

Senator L. Smith: Having been on the Banking Committee two or three years ago, I believe I was part of that discussion with Senator Gerstein, and it is a very interesting discussion that you put forth in terms of credit cards and credit card fees, if I understand correctly. However, I think what is important here is that the government is looking at the actual operations of SMEs and at returns for a small business owner. Their bottom line is critical to their survival and in their relations with the banks in terms of cash flow, cash funding and financing.

I'm not the government making this particular bill up, in terms of going from 11 to 9; however, I think there are two distinct issues. Your issue has merit, but this is a different issue, and it is being dealt with by the government in a positive way. For SMEs, this is big news. If you look at a small or medium-sized business, from two people anywhere up to one hundred people, there is a distinction between a small business and a bigger business. Small business is less than \$1 million. When you get up to medium-sized businesses, you're looking at \$15 million to \$20 million companies. This is big money for a small or medium-sized owner.

[Translation]

Senator Ringuette: Obviously, a few crumbs are better than nothing. Your colleagues essentially want to destroy Bill S-202, which could give Canadian businesses more working capital and help make them more profitable.

You answered my questions, senator, but unfortunately, I think that your government is turning a blind eye to the realities facing SMEs.

Senator L. Smith: Senator, I'd like to conclude by saying that you introduced a bill, you have worked very hard on it, and you are passionate and well respected for everything you have done. However, you cannot mix apples and oranges. We are talking about reducing the tax rate from 11 per cent to 9 per cent, while you proposed a different measure.

[English]

Hon. Joseph A. Day: Honourable senators, perhaps I could add a few words to the words of the Honourable Senator Smith in outlining what is in this particular bill, Bill C-59, which is the first budget implementation act for this year.

The Honourable Senator Smith used the short title, which appears in clause 1, "Economic Action Plan 2015 Act," and used that terminology more than once. That is the same wording that

[Senator L. Smith]

appears in the budget. Now this is not, honourable senators, the budget. This is a budget implementation act — the first one — to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures.

That's the terminology that appears in Bill C-59, and I will keep my comments, for the most part, to the words "and other measures." I believe that is where I'd like honourable senators to focus to understand what we're dealing with.

In this chamber, we do not vote on budgets. Typically, you would think of a budget as being a document that talks about what the government is going to do and what it's going to spend over the next year, much like the estimates. We look at those and we focus on them, except for those that do two-year estimates. The majority of estimates run over the period of one year, but with the budget document, the economic action plan, virtually all of the major initiatives that were announced relate to five years out, ten years out and don't relate to the next year. That's important for the distinction, honourable senators.

What we're looking at in this budget implementation is legislation that will presumably come into effect more quickly than that. You'll see many of the initiatives that were in the economic action plan of the government — the budget — but many of those initiatives aren't here, and they won't be in a budget implementation bill until after the election and after a new government comes in. Whichever party forms the government will determine whether any of those initiatives that were previously announced should be in the bill or whether any of the other promises from an electioneering point of view should be reflected in a budget implementation bill.

That's where we are, honourable senators, in relation to Bill C-59.

• (1510)

As Senator Smith has indicated, we did a pre-study of this particular bill, and I'll comment on that a little bit more thoroughly. We just got the bill two days ago, and we're now dealing with it at second reading — the on-principle basis of the bill, as our rules provide. The bill will then be referred to our committee, and we will deal with it and return it here for third reading.

These are the principles that appear in the bill, and I've tried to touch on the difference between a budget and this budget implementation bill. But this bill runs for 158 pages, and it contains three parts and 273 clauses. It amends 23 separate statutes — 23 separate statutes are amended by this particular piece of legislation — and it creates two new stand-alone pieces of legislation that never existed before. They are not amendments to existing statutes like the other 23 that I mentioned, but two stand-alone pieces.

So what we do with these particular bills, because we know they are coming late — they always come late from the other place — is that we have devised ways of trying to do the job that is expected of this chamber. What we have devised is doing a pre-study. And we've gone further than that, and by agreement between the two sides, we have divided the bill into various parts when it comes so that those committees that have an expertise in relation to a particular aspect of this wide-ranging bill — when it was described by Senator Smith, he was out of breath just trying to describe the many different aspects of the bill, and I was out of

breath listening to him. That is an indication as to why we divide the bill. In the case of this particular bill, we divided it into six different portions; six different committees were asked to look at different portions of this. Honourable senators, you have on the Order Paper the six committee reports for the portions of the bill that those committees looked at. I encourage you to look at those reports, because they are important in understanding what is here.

I think it's important for us to recognize that the Finance Committee dealt with the majority of the 20 divisions in Part 3. There are three parts, and in Part 3 there are 20 divisions. It was those divisions that were divided up into the various committees. Finance dealt with Parts 1 and 2 and the majority of the divisions in Part 3.

I would like at this stage to thank all honourable senators who served on the Finance Committee to do the work that we were required to do. I'd particularly like to thank Sylvain Fleury and Raphaëlle Deraspe for the work they did as our Library of Parliament analysts in getting us through this work. I'd also like to thank the many government departments that came before us, and the many senators who served on the other committees as well as our committee to get this work done on a very short timetable.

This legislation, honourable senators, is omnibus legislation, and it's a finance bill that is an omnibus bill. If we had an omnibus bill that was all Criminal Code but that had a lot of different ideas in there, that wouldn't be nearly as objectionable as a bill that is a finance bill, which in the other chamber is one of those bills that if changes are made to it or if it's defeated, then we're into an election. It's a matter of confidence.

It's not in this chamber a matter of confidence; therefore, we do have more flexibility. But we do have certain traditions and norms with respect to confidence matters when they come to this chamber and what we do and don't do in relation to those bills.

I want to thank Senator Moore for bringing forward the question of omnibus legislation in the form of an issue that went to the Speaker. And in preparation for this particular stage in the consideration of Bill C-59, I read the ruling of the Speaker with respect to this question of a point of order that was raised by Senator Moore. Since we're dealing with principle, I think it's important for us to look at some of the words from then Speaker Nolin.

On December 12, 2014, Senator Moore raised an objection to the omnibus bill, and that is the last one that we had just before Christmas. There are some excellent words in here. The Speaker decided that he, as a Speaker, couldn't make any changes to our process, but he did commend us in the flexibility and the cooperation that we're showing within the chamber. He suggested some other steps that must be done or could be done.

Speaker Nolin stated:

When an omnibus bill comes to the Senate from the House of Commons, we must be mindful of the fact that we are dealing with a bill already adopted by one of the

component parts of Parliament. We ought not to question how or why the other place adopted the measure, but should fulfil our legislative work by conducting our own careful and independent — or autonomous — review in the way that best meets our needs. There may be situations where procedural issues can arise in relation to a bill from the Commons — I think, for example, of the occasional cases where it is found that Royal Consent is required for a bill — but they are infrequent.

But that's not the case in this particular instance. He goes on say:

It is not, however, for the Speaker, acting unilaterally, to decide what stand to take, or when to take it.

As Senator Moore had stated, "Somebody must take a stand" and do something about this in relation to omnibus bills.

But I wanted to read more of Speaker Nolin's ruling on this:

As the Supreme Court stated in the 2014 decision on the *Reference re Senate Reform*, the Senate is "... one of Canada's foundational political institutions. It lies at the heart of the agreement that gave birth to the Canadian federation." As members of this house we have various duties and responsibilities, including representing our regions, legislative work, holding government to account, international work through parliamentary diplomacy, the protection of minorities, and the study and support of public policy issues.

Senator Nolin went on to state:

I say this, honourable senators, because nothing should prevent us from reconsidering how we deal with omnibus bills, or any aspect of our business, if we feel that changes could help us better perform our role as parliamentarians.

We must ensure that we continue to fulfil the expectations of Canadians as well as the role this house was given by those who developed our basic structures of government.

• (1520)

He then analyzes the various ways that we might do the job that's expected of this chamber. That's a very helpful, if not conclusive, ruling by Senator Nolin.

We had been doing pre-studies, as I just pointed out. I'm not generally in favour of pre-studies because I believe a pre-study sacrifices our ability to do sober second thought. But this is the only way we can deal with the actions of the other chamber when they send us this type of proposed legislation late in the day, and we know that it absolutely must be passed because this is government policy and they want to go ahead with these initiatives.

Honourable senators, that's the first thing we have adjusted to. The other is that we have adjusted to dividing the bill into various portions, six in this particular instance — sometimes more and

sometimes fewer. That is another way that cooperatively we have dealt with the short time frame we have while allowing various committees with specific expertise to deal with the related items in the bill.

What other things might we do? I'm thinking that we should go to the next step and allow those committees with the particular expertise to do clause-by-clause consideration of the relevant parts and report back to the Senate. That's the step we haven't taken up to now.

Currently we ask the committees to report on their pre-study to Finance. Finance is then required to do clause-by-clause consideration of the entire bill for all six committees that studied the various parts of the bill in depth. As a next step, honourable senators, we have to allow the committees with the expertise to do their clause-by-clause consideration.

In effect, that will divide Bill C-59 into the various portions that we cooperatively decided to do. When the bill comes back to the Senate for third reading, we can decide what we're to do about the six, or whatever number, committees that studied the bill.

Honourable senators, we have to show flexibility with respect to our rules in order to achieve the role that is expected of us — to do a proper study of this proposed legislation.

Honourable senators, having outlined where we are in this matter, perhaps I could spend some time talking about some of the concerns that, from a principle point of view, arose during our look at the various divisions of Part 3 of Bill C-59. I won't spend time looking at Parts 1 and 2 because they're what they're supposed to be — income tax measures — and Senator Smith has referred to a number of initiatives in Parts 1 and 2 on income tax. Part 3 contains other measures that cause some concern.

As I indicated, there are 20 different divisions. I'll just look at Parts 1 and 2 and then maybe Divisions 20, 17 and 18, if you are following your copy of the bill.

In Division 1 of Part 3, honourable senators, my concern is that the proposed federal balanced budget act should be a separate stand-alone bill. Normally, such bills would come to the Senate separately and not be tucked away in a budget implementation bill. The concern is exacerbated in my mind by virtue of the fact that Bill C-59 contemplates that the budget won't be balanced if there is a recession or extraordinary situations. This is not necessarily a balanced budget. This proposed legislation provides a way out if the budget isn't balanced.

I remind honourable senators that the definition of "recession" is "two quarters of negative growth." We have had one quarter of negative growth, and we are waiting with bated breath for the end of June to see what will happen with the second quarter. It's very possible that we will hear the government say, "Unfortunately, we won't have a balanced budget this year because we have a recession and the federal balanced budget bill tucked away in Bill C-59 provides an out with respect to that matter."

[Senator Day]

I also want to refer to Division 2, which is another stand-alone piece of proposed legislation. Honourable senators, it should come before us for a proper, fulsome study. Division 2 is the proposed prevention of terrorist travel act. There is plenty of opportunity for study and discussion of this part of the bill. It never should have been tucked away in a budget implementation bill.

Two witnesses before the committee were special advocates, a term that I've referred to before. Honourable senators will know that the position was created as a friend of the court, not as a representative or lawyer for an accused, an appellant or the government, to ensure that balance and fairness take place during the process. These individuals are sworn to secrecy, but can see all the secret documents that the accused or the appellant is not allowed to see.

This proposed legislation talks about losing your passport and refusal or revocation of decisions related to national security and terrorism. That's what this part of the bill is about. The individual who's impacted by a decision of the court is not entitled to have all of the evidence. The special advocates came before the committee and said, "My goodness, why don't we create special advocates under this bill like we have under immigration and refugee appeal legislation?" It worked there after it was introduced not in 2001 but during the review of the legislation five years later. We saw where we had made some errors or where we could make some improvements; and that was one of them.

Honourable senators, this proposed legislation is tucked away in Bill C-59 so we can't have a full discussion about it. However, there is a discussion by the Canadian Bar Association and I have their comments, which are worth understanding. My concern is a proposed act within a proposed act.

• (1530)

That concerns me because we're not getting a fulsome and extensive discussion of a very important issue that impacts Canadians. These are people with passports who are having these passports removed, and you can't even know the full amount of the evidence against you. Neither can your lawyer, if you happen to have a lawyer.

The Canadian Bar Association:

... has raised concerns about presenting significant changes to laws in omnibus budget legislation. Coupled with the extremely limited time given by Parliamentary Committees for public input on these measures, this militates against meaningful comment or debate of important changes to the law.

This is a change in the law. This is a new piece of legislation.

The CBA is a national association representing 36,000 jurists including Canadian lawyers, notaries, law teachers and students. Its primary objectives include improvement in the law and the administration of justice. The CBA Section comprises lawyers with in-depth knowledge of . . .

Different sections. They go on to say that the omnibus bill, this one, and generally:

. . . is not the appropriate vehicle to introduce substantive changes to laws unrelated to finance, taxation or spending, especially when those changes raise significant privacy concerns. The CBA has urged the government to limit the use of omnibus bills in this fashion. Omnibus bills decrease effective democratic process and debate and weaken the legislative branch of government.

That is what we are here. We're part of the legislative branch of government, and these lawyers, many of them, 36,000, across Canada, say that by agreeing to omnibus legislation, we are weakening our process and our ability to pass good law.

The time provided for Parliamentary Committee deliberations is inadequate to permit meaningful consultation and full participation in the process, and inadequate for the input received to be properly considered by Committee members.

Inadequate time for committee members to properly consider the evidence that was brought before them. That's the Canadian Bar Association, honourable senators, with respect to Division 2, which potentially can take away rights of Canadian citizens.

The next one I wanted to look at is Division 20, the final division here, and that was looked at by Finance. I think it's helpful for us to look at Division 20. It's sick leave and disability programs. This is sick leave and disability for federal public servants, and the government is negotiating with many unions across the public service at the present time.

The government's stated policy is to change the sick-leave policy that now exists, to do away with it, and to bring in short-term disability. That may well be — and I think it is — a commendable initiative, but it should be negotiated with each of the unions because the unions had negotiated the sick days leave that they could accumulate, and they banked it until they had a short-term disability problem, and then they could draw on all of that banked time that they had. It got a little bit excessive for those who were fortunate enough not to have a medical problem and hadn't drawn on it. Others who drew on it constantly and didn't have any banked time that would give them proper coverage for a short-term disability were out of luck as well.

The government is trying to create a program of short-term disability whereby if the person didn't recover and wasn't able to return to work, they would then go on to long-term disability. The problem is that, here we have, tucked away in Bill C-59, an ability for the minister, if he can't negotiate this, to impose it, to do away with what had previously been negotiated, to do away with that program of sick leave and to impose the short-term disability program.

The minister said, "We probably won't use this," but it's a club being held over the heads of the negotiators. That's the difficulty with this. The minister, in the budget and in his discussions following the budget, has said that he will save \$900,000 in

disability this year. Where is he going to save it? He's going to save it by denying the sick leave that has been in existence for a good number of years. So the minister is not negotiating in good faith.

The Charter of Rights and Freedoms provides for the rights of organized labour, and they have said that if he does impose the rights that he is seeking from us as legislators, if he imposes that on the unions, they will be challenging it as a Charter case in the courts. Surely, honourable senators, this is yet another example of us abdicating our roles and allowing the courts to be the arbitrator. It might be five; it might be ten. It'll be hundreds and hundreds of thousands of dollars later. These things get sorted out, but we should sort them out right here if we know that there are those problems. This is the check, the sober second thought. That's why we're here. If we don't perform that function, why are we here? That is Division 20.

Division 17 is the next one. I'm going to do Divisions 17 and 18, and then, honourable senators, I will sit down.

Division 17 of Part 3, for those on the front benches who are following this in your briefing books and your statute, is the Canadian Forces Members and Veterans Re-establishment and Compensation Act. From a principle point of view, what was my concern? My concern here, Your Honour and honourable senators, is that what is in Bill C-59 was a stand-alone piece of legislation a week before this bill came out. They took what was already out in the House of Commons as Bill C-58 and put it into Bill C-59. So we've got something that was stand-alone and could have been dealt with as a separate piece of legislation now stuck in here as Division 17 of Part 3 of Bill C-59. Why did we do that? You ask that question. We thought we could get it through more quickly. There wouldn't be as much scrutiny. Exactly the opposite kind of answer to what you want. We want scrutiny. We want people to look at this legislation before it goes somewhere else.

There are various parts to this legislation that I don't need to refer you to right now. It was the principle that I was concerned about here, honourable senators, but there are several questions about just where this particular legislation might be taking us.

• (1540)

The numbers who are impacted by the different aspects of this legislation are minimal. It's like boutique legislative matters, and the fundamental issue that was Bill C-58 and is now a division of Bill C-59 should be part of a much broader review and improvement to the Veterans Charter that we have worked on in the Veterans Affairs committee and that other committees have worked on as well. The House of Commons has a very good study on this particular matter and we don't need to go through all of that another time.

Division 18 of Part 3 of Bill C-59 is the final one from a principle point of view for second reading. At principle level, I wanted to outline some concerns that I have here.

Honourable senators, this particular matter has a heading, "Ending the Long-gun Registry Act," not to be confused with the legislation with respect to firearms that we passed yesterday

in this chamber. This is sort of a carry-over from an earlier piece of legislation. This was introduced in Parliament on October 25, 2011.

The federal Information Commissioner, Suzanne Legault, is now saying that she is seeking a court order to preserve remaining records for the now-defunct long-gun registry. She wants the documents that are still there. She had asked for them previously, and the RCMP went ahead and destroyed some of them. She is also suing the RCMP because they were aware that she had asked for them as a result of someone asking her for certain documents. In fact, there was a note from the minister saying that he would abide: "Thanks, we got your letter, and we will abide by the rules under the Access to Information Act."

What happened, honourable senators? The Mounties went ahead and destroyed the records, notwithstanding that request. There are some very interesting documents that have been leaked.

This would be very good to look at from a principle point of view for Access to Information. This legislation is attempting to wipe out all of the documents surrounding this, because they're trying to make the legislation retroactive, not to the date that it was passed. They're saying as of the date that it is passed, there can't be any lawsuits and there can't be any action taken by anyone. They're going back to the date that the legislation was introduced, not when it was passed, which is the normal time that we would see. Something becomes effective from that date forward, the date it was passed and declared into law. However, this legislation, tucked away in here in Division 18, is trying to move the right to destroy all documentation, everything with respect to the long-gun registry, trying to move it all back to the date that the legislation was first filed in the House of Commons.

Honourable senators, that's just not acceptable. Mr. Toews had agreed on May 2, 2012, that the government would abide by the Access to Information rules, but then we learned, later in May, Pierre Perron, the assistant commissioner of the Canadian Firearms Program, within the RCMP, was emailing director Robert MacKinnon, saying:

Just for the record, the minister's office is putting a lot of pressure on me to destroy the records sooner.

That is less than a month after the minister said that they will not destroy them and they will abide by the Access to Information.

The Mounties went on and did destroy the documents shortly after that, in October, following further pressure from the Privy Council Office. The Conservative government responded by rewriting the law, in effect backdating and saying all of this correspondence in relation to destroying the documents should be destroyed and cannot be subject to production under the Access to Information Act.

This one does not smell good. It is not the kind of thing we expect to see from any government. This is tucked away in this particular budget implementation bill, retroactive not to the date that the legislation was passed but retroactive to the date that the

legislation was introduced so that all of the pressures on the RCMP — and there are several letters out there now — all of that pressure that they got resulted in them finally destroying the records they had, all of that will not be producible, and the RCMP are exempt from any court action for acting contrarily to the Commissioner of Information. The commissioner had asked for that; they were aware of it; and she is now suing the RCMP officers that destroyed the documents.

Honourable senators, in principle, those are some of the concerns that I have with respect to this legislation. Thank you, honourable senators.

Hon. Wilfred P. Moore: Senator Day, would you take a question?

Senator Day: I would be pleased to try to answer your question.

Senator Moore: The last item that you mentioned in your address is very upsetting. I cannot believe that that's happening in Canada. I want to know, can we do something about that? Can we stop that? Can we bring these people in to a Committee of the Whole? What can we do to stop this? This is the worst that I have seen since I have been in the Senate of Canada. What can we do here?

Senator Day: This is Division 18 of Part 3 of Bill C-59. Collectively, if we feel this is wrong, all we have to do is remove that section from this bill and it won't become law and there won't be the retroactivity, and all of the productions that the Commissioner of Information has asked for will proceed.

Senator Moore: I can't believe that we're even discussing this. I can't believe that people here who are representing integrity and the common good of our country are even sitting here and having this come before us. It should have been stopped way before this.

We are supposed to be setting an example of how to run a country and how to behave and truly believe in the rule of law, and we are watching one of our officers of Parliament being abused by this. I think that the RCMP people and anybody else involved in this should be brought in here, and we should have a thorough discussion. They can't go on doing this. I don't think we should be putting our heads down, honourable senators. We should be doing something about this.

Some Hon. Senators: Hear, hear.

Senator Moore: Do I have to have a written amendment to remove that? I want that out of there.

Senator Day: Thank you. This is second reading.

The Hon. the Speaker: That kind of amendment on second reading would not be in order.

On debate, or question?

• (1550)

Hon. Serge Joyal: Would the honourable senator entertain another question?

Senator Day: Yes.

Senator Joyal: When the Finance Committee reviewed this issue, did you investigate the constitutionality of the provision? That is, the retroactivity of the decision in relation to an offence under a statute of Canada? It seems to be rather odd that somebody is recognized to have committed an offence under the present law of Canada, but we would pass it, after a kind of blessing that in fact it was not a criminal offence, retroactively?

This is quite a precedent. It would mean that anyone who could be accused under the Criminal Code could be the object of a law of Parliament stating that the person, of course, committed the offence under an act of Parliament, but we decide that retroactively, for that person, it was not an offence. That seems to be very thwarted legal reasoning.

Did you have the opportunity to study that aspect on precedent, on what it would mean for the future of the interpretation of Canadian statutes in relation to offences that might be incurred under the law of Canada?

Senator Day: The short answer is we did not. We do know that the Commissioner of Information is proceeding to court on that basis with another challenge under the Charter. She has indicated that she will be proceeding with that. This is just another example of the points I made earlier that we should be solving problems so that we aren't inviting judicial review of items that we can solve here. She has indicated that she will be proceeding with a Charter challenge if this legislation is passed, but she's hopeful that we won't pass that.

[Translation]

Hon. Céline Hervieux-Payette: I would like to ask a question, given that many Quebecers would have preferred not to have to pay twice to have the same work done. Basically, perhaps it is a cultural difference.

I think procedure allows us to introduce an amendment at third reading that would remove this division from the bill. Do you plan to introduce an amendment that would allow us to get rid of this completely shameful division of the bill?

Senator Day: Thank you for your question. I am the chair of the committee, and we are at second reading. We will probably study the bill at tomorrow's committee meeting. The committee will have to make that decision. I can't say whether an amendment will be proposed. After that, at third reading, we are all independent senators.

[English]

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the yeas have it.

And two honourable senators having risen:

The Hon. the Speaker: I see a number of senators rising. Is there agreement on the bell?

Senator Munson: A 30-minute bell.

The Hon. the Speaker: The vote will be held at 4:25 p.m.

Call in the senators.

• (1620)

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	McIntyre
Batters	Mockler
Bellemare	Nancy Ruth
Beyak	Neufeld
Black	Ngo
Carignan	Ogilvie
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Enverga	Poirier
Fortin-Duplessis	Raine
Gerstein	Rivard
Greene	Runciman
Johnson	Seidman
Lang	Smith (<i>Saurel</i>)
LeBreton	Stewart Olsen
MacDonald	Tkachuk
Maltais	Wallace
Manning	Wells
Marshall	White—43
Martin	

NAYS
THE HONOURABLE SENATORS

Baker	Hubley
Campbell	Jaffer
Chaput	Joyal
Cools	Lovelace Nicholas
Cordy	Merchant
Cowan	Mitchell
Dawson	Moore
Day	Munson
Downe	Ringuette
Dyck	Sibbeston
Eggleton	Smith (<i>Cobourg</i>)
Fraser	Tardif
Furey	Watt—27
Hervieux-Payette	

ABSTENTIONS
THE HONOURABLE SENATORS

Massicotte—1

REFERRED TO COMMITTEE

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

(On motion of Senator Smith (*Saurel*), bill referred to the Standing Senate Committee on National Finance.)

• (1630)

THE SENATE

MOTION TO PHOTOGRAPH AND VIDEOTAPE
ROYAL ASSENT CEREMONY ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of June 16, 2015, moved:

That photographers and camera operators be authorized in the Senate Chamber to photograph and videotape the next Royal Assent ceremony, with the least possible disruption of the proceedings.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

The Hon. the Speaker: It being past 4 p.m. and the Senate having come to the end of Government Business, pursuant to the order adopted on Thursday, February 6, 2014, I declare the Senate continued until Thursday, June 18, 2015 at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, June 18, 2015, at 1:30 p.m.)

CONTENTS

Wednesday, June 17, 2015

	PAGE		PAGE
SENATORS' STATEMENTS		Targets for Hiring Women.	
Louisiana		Hon. Grant Mitchell.	3717
Two Hundred and Fiftieth Anniversary of		Hon. Claude Carignan	3717
First Acadian Settlement.		Victims' Bill of Rights.	
Hon. Rose-May Poirier.	3712	Hon. Grant Mitchell.	3717
		Hon. Claude Carignan	3717
Carding		Public Safety	
Hon. Mobina S. B. Jaffer	3712	Royal Canadian Mounted Police—Victims' Bill of Rights.	
		Hon. Grant Mitchell.	3718
Visitors in the Gallery		Hon. Claude Carignan	3718
The Hon. the Speaker.	3713		
		The Senate	
Taipei Economic and Cultural Office		Status of Suspended Senators.	
Hon. Yonah Martin	3713	Hon. Percy E. Downe.	3718
		Hon. Claude Carignan	3718
The Late Daniel Woodall			
Hon. Douglas Black	3713	Transport	
		Canada Post—Official Language Services.	
The Honourable Wilfred P. Moore		Hon. Maria Chaput	3718
Congratulations on Induction to Maritime Sport		Hon. Claude Carignan	3719
Hall of Fame.		Canada Post—Communal Mail Boxes.	
Hon. Jane Cordy	3714	Hon. Grant Mitchell.	3719
		Hon. Claude Carignan	3719
Visitors in the Gallery		Canada Post—Ministerial Responsibility.	
The Hon. the Speaker.	3714	Hon. Céline Hervieux-Payette	3720
		Hon. Claude Carignan	3720
Mary Gordon, C.M., O.N.L.		Canada Post—Communal Mail Boxes.	
Congratulations on Honorary Doctor of Laws Degree.		Hon. Jane Cordy	3720
Hon. George J. Furey.	3714		
<hr/>		<hr/>	
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
		Business of the Senate	
Study on Non-Renewable and Renewable Energy		Hon. Yonah Martin 3720	
Development in Northern Territories		Criminal Code (Bill C-35)	
Fourteenth Report of Energy, the Environment and		Bill to Amend—Second Reading.	
Natural Resources Committee Tabled.		Hon. Paul E. McIntyre 3720	
Hon. Richard Neufeld	3715	Hon. Jim Munson 3721	
		Hon. Kelvin Kenneth Ogilvie 3723	
Study on Issues Relating to Foreign Relations and		Hon. Larry W. Campbell 3723	
International Trade Generally		Referred to Committee 3723	
Eleventh Report of Foreign Affairs and International		Corrections and Conditional Release Act (Bill C-12)	
Trade Committee Tabled.		Bill to Amend—Third Reading.	
Hon. A. Raynell Andreychuk	3715	Hon. Larry W. Campbell 3723	
		Economic Action Plan 2015 Bill, No. 1 (Bill C-59)	
Enhancement of Civilian Review and Oversight in the		Second Reading.	
Royal Canadian Mounted Police Bill (Bill S-232)		Hon. Larry W. Smith 3724	
Bill to Amend—First Reading.		Hon. Pierrette Ringuette 3725	
Hon. Grant Mitchell.	3715	Hon. Joseph A. Day 3726	
		Hon. Wilfred P. Moore. 3730	
Underground Infrastructure Safety Enhancement Bill		Hon. Serge Joyal 3731	
(Bill S-233)		Hon. Céline Hervieux-Payette 3731	
Bill to Amend—First Reading.		Referred to Committee 3732	
Hon. Grant Mitchell.	3715		
<hr/>			
QUESTION PERIOD		The Senate	
		Motion to Photograph and Videotape Royal Assent	
National Defence		Ceremony Adopted.	
Sexual Misconduct and Sexual Harassment in the		Hon. Yonah Martin 3732	
Canadian Armed Forces.		Business of the Senate 3732	
Hon. Joan Fraser	3716		
Hon. Claude Carignan	3716		
Hon. Céline Hervieux-Payette	3717		

Published by the Senate

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