SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 83

OFFICIAL REPORT
(HANSARD)

Tuesday, December 6, 2016

The Honourable GEORGE J. FUREY
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: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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

THE SENATE

Tuesday, December 6, 2016

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

Prayers.

[*Translation*]

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would ask you to rise and observe one minute of silence in memory of the victims of the tragedy that occurred at l'École Polytechnique de Montréal on December 6, 1989.

Honourable senators then stood in silent tribute.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jackson Lafferty, M.L.A., Speaker of the Legislative Assembly of the Northwest Territories, accompanied by Mr. R.J. Simpson, M.L.A.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

TWENTY-SEVENTH ANNIVERSARY OF TRAGEDY

Hon. Judith Seidman: It was a cold Wednesday afternoon when a young man walked into École Polytechnique de Montréal armed with a 223-calibre rifle. The date was December 6, 1989.

He entered a classroom of engineering students and instantly ordered all six women to the back and the men to leave. Lining the women up side by side, he yelled, "You're all a bunch of feminists. I hate feminists."

He lifted his rifle, pointed it toward the first woman's head and shot her in the forehead. He would go on to do the same for the other five standing alongside.

The shots echoed through the hallways. Students nearby heard the horrifying screams and scrambled for help.

On that dark day, 14 women lost their lives. And the gunman's suicide note stated that women had no place in engineering because they would take jobs from men, that feminists were ruining his life, and that his intention was to end the lives of all women in the Department of Engineering.

Today is the National Day of Remembrance and Action on Violence against Women, and I wish to pay tribute to these 14 brave women who lost their lives 27 years ago. Their only sin was that they had dared to dream they could be engineers.

Michèle Thibodeau-DeGuire was the first woman to graduate from the civil engineering program at École Polytechnique de Montréal. Asked about a possible solution to gender-based violence, she said, "One way to move forward after an event like this is to continue encouraging girls and women to stay in fields like engineering."

Currently, there are about 2,000 women enrolled in the Polytechnique's Department of Engineering. That is about 25 per cent of the total number of engineering students.

Honourable senators, remarkably, violence against women remains all too common today. According to the World Health Organization, one in three women experience some form of violence in their lifetime, and most of this is by their partners. It doesn't take much thinking to remember the assaults and abuses against young women recently all over the world. No doubt you yourselves are remembering, perhaps even someone you know.

December 6 is an opportunity for Canadians to reflect on the phenomenon of violence against women in our society and to commemorate women, such as those 14 students in Montreal who died on that Wednesday afternoon 27 years ago.

And they are: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Barbara Klucznik-Widajewicz, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte.

Thank you.

Hon. Senators: Hear, hear.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

Hon. Lillian Eva Dyck: Honourable senators, today is National Day of Remembrance and Action on Violence against Women.

I first want to start off by offering my support and voice to the thousands of women who are the targets of violence. This is unacceptable, especially in 2016.

On December 6, 1989, a deeply troubled young man with a violent attitude towards women unleashed his disturbed sentiments by killing 14 female engineering students at École Polytechnique de Montréal. In the aftermath of the massacre, we learned that the killer grew up in an environment where abuse against women was common.

• (1410)

Today too many women are still subjected to abuse, including sexual assaults out in our society, in the workplace, and even within their homes.

The situation is even more dire when we look at violence against Aboriginal women. Aboriginal women and girls are three to four times more likely to be murdered or sexually assaulted than any other woman. There are about 1,200 cases of missing and murdered Aboriginal women across Canada. This national crisis has prompted the government to create its National Inquiry into Missing and Murdered Indigenous Women and Girls.

I would like to congratulate the commissioners of the inquiry: Chief Commissioner the Honourable Marion Buller, and Commissioners Michèle Audette, Qajaq Robinson, Marilyn Poitras and Bryan Eyolfson. The task ahead of them is tremendously important, and I want to support them and offer them my prayers that they have the strength and wisdom to deal with this horrific tragedy.

Colleagues, recently Statistics Canada confirmed what many of us knew intuitively — that simply being Aboriginal is a risk factor for violence for females but not for males. In order to reduce this risk, I am sponsoring Bill S-215 in the Senate, which will toughen penalties for violent offences against Aboriginal women.

Part of the sad legacy of colonialism is the perception that Aboriginal women are easy sexual targets whom no one cares about. This disenfranchisement and outright discrimination against Aboriginal women as a consequence of the Indian Act make Aboriginal women and girls one of the most vulnerable populations in Canada.

Honourable senators, it is our job to fight for equality and the values enshrined in the Constitution and in the Charter. As a senator, I will continue to champion initiatives that help women, particularly those most vulnerable, such as Aboriginal women, achieve equality and reach their full potential. I thank you for your support in the past and look forward to your continuing support.

Hon. Nancy Hartling: Honourable senators, colleagues, today, December 6, is the National Day of Remembrance and Action on Violence against Women in Canada. Established in 1991 by the Parliament of Canada, this day marks the anniversary of the murders in 1989 of the 14 young women at l'École Polytechnique de Montréal. They died because they were women.

As well as commemorating the 14 young women whose lives ended in an act of gender-based violence that shocked our nation, December 6 represents an opportunity for all Canadians to reflect on violence against women in society. It is an opportunity to consider the women and girls for whom violence is a daily reality and to remember those who have died as a result of gender-based violence. Finally, it is a day on which communities can consider actions to eliminate all forms of violence against women and girls worldwide.

On December 6, 1989, I sat in my car in Moncton and I listened to the news on the radio. I was shaking and shocked. I can still feel that today. Since that time in Moncton, in my home, I have worked with others, first to mourn and then to work for change. Sadly, over 40 women have died of violence in our area since 1989.

We have put up monuments, held vigils, run programs, developed resources and educated people that violence is not acceptable in any form, whether physical or emotional.

Today I ask you to take action. Especially, I want to encourage the men in the Senate. All of you have mothers, right? Some of you have sisters, daughters, granddaughters. We need a united front to end violence. We need all of you to work for change because until all of us are free of violence, none of us are free.

Today I wear my purple scarf as a symbol of courage, survival and honour for the women who have experienced violence or who have been murdered by intimate partners. Today I especially remember Elana Fric-Shamji, who was murdered this week, all the missing and murdered Aboriginal women and all those girls still trapped in abusive relationships. I urge you to work for change, and you may seek ideas from the display out in the chamber, or you can ask me and I will give you ideas. There are a lot of things we can do.

On my first day here on November 15, the Peace Tower was lit in purple. Today our flag is at half-mast, reminding us to eliminate violence. I believe I am in a hopeful place. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Bob Wyatt, Executive Director of the Muttart Foundation. He is the guest of the Honourable Senator Lankin, P.C.

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

Hon. Senators: Hear, hear!

THE HAMILTON DECLARATION

Hon. Wilfred P. Moore: Honourable senators, I rise today to inform this chamber that Canada has signed the Hamilton Declaration, becoming the eighth country to commit to preserving the unique ecosystem that is the Sargasso Sea.

The Sargasso Sea is the ecological crossroads of the Atlantic Ocean. It is home to several ecological systems and provides the breeding and feeding ground for many species, such as eels, turtles, whales and marlin. Known as a "floating golden rainforest," the sargassum seaweed native to this area supports over 150 invertebrate species, as well as 10 species which are found only in the Sargasso Sea. The well-being of the Sargasso Sea is very important for Canada, as it is the birthplace of all American eels which find their way to Canada and provide stock for our regulated eel fishery.

However, due to its location in the open ocean, the Sargasso Sea is beyond the jurisdiction of any national government, and thus there exists little in the way of protection for this delicate ecosystem. Bermuda decided to promote the protection of the Sargasso Sea within its own Economic Exclusion Zone as well as on the High Seas. The creation of the Sargasso Sea Alliance and the resulting permanent commission in Hamilton were the result of Bermuda's collaboration with other conservation-minded countries, marine science organizations and concerned individuals.

It has been my good fortune to have been a participant in the advancement of the Sargasso Sea Alliance. I first spoke about the Sargasso Sea in this chamber on June 4, 2013. That November, I had the opportunity to assist in the drafting of the Hamilton Declaration at a meeting of nations in Tarrytown, New York. I did so under the direction of our former Speaker and colleague, the Honourable Noël Kinsella.

And just this past weekend, I joined our Minister of Fisheries, Oceans and the Canadian Coast Guard, the Honourable Dominic LeBlanc, at the United Nations Biodiversity Conference in Cancun, Mexico, to witness Canada signing the Hamilton Declaration. Mr. Pierre Alarie, Ambassador of Canada to Mexico; and the Honourable Cole Simons, Minister of the Environment of Bermuda, were also in attendance. It was a great day for Canada on the international stage, but more importantly it's another sign that the conservation and protection of our planet for future generations is firmly on the radar of Canada's government.

I dedicate this statement to Dr. Richard Rockefeller, late of Falmouth, Maine, and David Shaw, of Portland, Maine, the persons who brought the unique ecosystem of the Sargasso Sea to the attention of the world.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Mary Chrow, who was instrumental in creating the Women's Legal Education and Action Fund Foundation and its endowment. She is the guest of the Honourable Senator Nancy Ruth.

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

Hon. Senators: Hear, hear!

[*Translation*]

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

Hon. Pierre-Hugues Boisvenu: Honourable senators, on this National Day of Remembrance and Action on Violence Against Women, I would like to share with you my thoughts and feelings on the situation of women in our country.

Unfortunately, far too many girls and women have been the victims of violence and have lost their lives in Canada over the past year. The year 2014 was particularly lethal.

[*English*]

In our country, violence against girls and women can take many forms. Violence is not only a tribute to mass killing, luring on social media or domestic violence.

[*Translation*]

It also includes the many young women who are recruited at youth centres and end up under the control of abusive pimps. They are drawn into the underworld of drugs and prostitution, where they may remain trapped for months or even years.

This day of awareness also focuses on the concrete action that we should be taking to counter violence against women in all its forms.

[*English*]

To do so, Canada equipped itself with several laws, including Bill C-452, which punishes human trafficking and sends a clear message to criminals profiting from this illegal activity that Canada will protect vulnerable victims against this scourge.

[*Translation*]

The Minister of Justice of Canada, Jody Wilson-Raybould, is very sensitive to this type of violence that affects too many women, and she has the opportunity to change things. She needs to send a strong, clear message to pimps in Canada and throughout the world that our country is strongly committed to keeping our girls and women safe.

• (1420)

Today, I urge the minister to show support for all women who are victims of this type of violence by signing the order-in-council so that this legislation can finally come into force to better protect the victims and more effectively support those who want to help them. In so doing, we will shift focus away from violence against women in Canada and place it on recognizing the right to safety for Canadian women and girls.

Ending violence against women starts with preventing sexual abuse. Bill C-452 gives us the means to do just that.

[*English*]

Honourable senators, I thank you for adopting this bill in June 2015 and for always keeping the safety of young women close to your hearts.

[*Translation*]

I urge all women who were assaulted to speak out. Report your attacker whenever possible. That way, you will take back control over your life and be free from this violence.

To my daughter Julie, and all women who lost their lives to violence, we will never forget you.

Hon. Senators: Hear, hear!

[*English*]

ROUTINE PROCEEDINGS

STUDY ON THE STEPS BEING TAKEN TO FACILITATE THE INTEGRATION OF NEWLY-ARRIVED SYRIAN REFUGEES AND TO ADDRESS THE CHALLENGES THEY ARE FACING

FIFTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Jim Munson: Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on April 14, 2016, and to the order adopted by the Senate on December 1, 2016, the Standing Senate Committee on Human Rights deposited with the Clerk of the Senate on December 6, 2016, its fifth report entitled: *Finding Refuge in Canada: A Syrian Resettlement Story*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

CANADIAN JEWISH HERITAGE MONTH BILL

FIRST READING

Hon. Linda Frum introduced Bill S-232, An Act respecting Canadian Jewish Heritage Month.

(Bill read first time.)

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

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

[*Translation*]

THE SENATE

NOTICE OF MOTION TO AFFECT COMMITTEE MEMBERSHIP FOR REMAINDER OF CURRENT SESSION OR UNTIL OCTOBER 31, 2017, WHICHEVER COMES EARLIER

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move the following motion and that I will then seek consent that it be seconded by honourable Senators Day, Harder, C.P., and McCoy:

> That, except in relation to the Standing Committee on Ethics and Conflict of Interest for Senators, until the end of the current session or October 31, 2017, whichever comes earlier:
>
> 1. notwithstanding rules 12-1 and 12-2(3), the current membership of the Committee of Selection be replaced by the Honourable Senators Black, Campbell, Fraser, Frum, Martin, Omidvar, Plett, Pratte, Tardif, and Wells, subject to membership changes being made either under rule 12-5 or under the terms of this order, and, for greater certainty, with the current chair and deputy chair of the Committee of Selection retaining their position if still members of the committee;
>
> 2. the number of members of committees provided under rule 12-3(2) be increased by three senators for each committee, with the additional members to be recommended to the Senate by the Committee of Selection;
>
> 3. that in recommending additional members to the Senate and any other membership changes for any committee, the Committee of Selection be guided by the following proportions:
>
> (a) committees that under this order have twelve members, other than the ex officio members, should have a membership of five Conservative senators, two independent Liberal senators, and five senators who are not members of a recognized party;
>
> (b) committees that under this order have fifteen members, other than the ex officio members, should have a membership of six Conservative senators, three independent Liberal senators, and six senators who are not members of a recognized party; and

(c) committees that under this order have eighteen members, other than the ex officio members, should have a membership of seven Conservative senators, four independent Liberal senators, and seven senators who are not members of a recognized party;

4. notwithstanding rule 12-3(3), and without affecting other ex officio memberships, the Government Representative not be an ex officio member of the Committee of Selection, with the Legislative Deputy to the Government Representative or, in that senator's absence, the Government Liaison instead being an ex officio member of the Committee of Selection;

5. the Senate direct all committees that have subcommittees on agenda and procedure — except for the joint committees and any committee that already has a senator who is not a member of a recognized party on that subcommittee — to increase the membership of the subcommittee by one non-voting member who is not a member of a recognized party, with that non-voting member being able to attend and participate in meetings, move motions, count towards quorum, and otherwise exercise and enjoy all the rights and duties of a subcommittee member, except the right to vote;

6. notwithstanding rule 12-2(3), and without affecting the operation of rule 12-5 in relation to government members, opposition members and members of a recognized party:

(*a*) changes may be made for committee members recognized as belonging to the Independent Senators Group by the Facilitator chosen by that group filing a signed notice to replace the member with another member of the group with the Clerk of the Senate, who shall have the notice recorded in the *Journals of the Senate*; and

(*b*) changes may be made for committee members who are not covered by the provisions of rule 12-5 and who are not recognized as belonging to the Independent Senators Group by the senator who will cease to be a member and the senator who will become a member, and who is also not covered by the provisions of rule 12-5 and not recognized as belonging to the Independent Senators Group, both signing a notice and filing it with the Clerk of the Senate, who shall have the notice recorded in *Journals of the Senate*; and

7. notwithstanding normal practice, the current chairs and deputy chairs of committee not be replaced in those positions while still members of their committees, provided that this limitation not affect the joint committees; and

That, in relation to the Standing Committee on Ethics and Conflict of Interest for Senators, notwithstanding rule 12-27(1) and subsections 35(1), (4) and (8) of the *Ethics and Conflict of Interest Code for Senators*, until the end of the current session or October 31, 2017, whichever comes earlier:

A. the committee be composed of two Conservative senators, one independent Liberal senator, and two senators who are not members of a recognized party;

B. the Conservative senators select the Conservative members to sit on the committee by means of secret ballot;

C. the independent Liberal senators select the independent Liberal member to sit on the committee by means of a secret ballot;

D. the senators who are not members of a recognized party select the member who is not a member of a recognized party to sit on the committee by means of a secret ballot;

E. each of the groups identified in paragraphs B, C and D of this order also select a representative who will move a motion in the Senate without notice that the selected senator or senators from the relevant group be a member or members of the committee, which motion shall be deemed seconded and adopted when moved; and

F. when a vacancy occurs in the membership of the committee, the replacement member be selected and appointed by the same process used to name the previous member of the committee.

• (1430)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber on Thursday, December 1, 2016, Question Period will take place at 3:30 p.m.

[*English*]

ORDERS OF THE DAY

TAX CONVENTION AND ARRANGEMENT IMPLEMENTATION BILL, 2016

BILL TO AMEND—THIRD READING

Hon. Stephen Greene moved third reading of Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement.

He said: Honourable senators, I have nothing more to add at this time. I think it's a marvellous bill. It's a continuity-of-government bill. It does wonderful things for Canadian industry and consumers alike, so please continue.

Hon. Scott Tannas: I intend to break Senator Greene's record. This is a no-brainer, as my kids would say. Thank you.

The Hon. the Speaker: On debate, Senator Day.

Hon. Joseph A. Day (Leader of the Senate Liberals): Thank you.

Hon. Senators: Question.

Senator Day: Should I tell anybody what this bill is about?

Some Hon. Senators: No.

Senator Day: It's about double taxation and avoiding it, and I agree with my honourable colleagues that this is pretty straightforward. It tends to reflect standard clauses. There are about 92 of these agreements around the world at the present time, and the bill is following the OECD standard clauses.

I would recommend that we pass this Bill S-4 and send it over to the House of Commons.

Hon. Donald Neil Plett: I'd like to add my voice and simply say that this, again, is clear evidence that occasionally a good biscuit can be found in a garbage can.

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

Some Hon. Senators: Agreed.

Senator Plett: On division.

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

INCOME TAX ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Black, for the third reading of Bill C-2, An Act to amend the Income Tax Act.

Hon. Frances Lankin: Honourable senators, I don't intend to take a long time on this. There are a couple of points I want to put on the record.

First of all, may I say to Senator Smith in response to some of his remarks yesterday, I heard from a lot of my new independent colleagues who have said that they not only have read the bill and looked at the transcripts, but they are in fact proud of engaging in the background on these matters before they come to a vote. I wonder if we put that test to every senator in this house, whether we would all pass that. However, I want to assure you that there was some offence taken by some with the comment that you made, but people are ready to participate.

I also want to say that many of the arguments that Senator Smith made on the bill were actually very compelling to me and to my core values with respect to progressive taxation, so I found myself looking at this. Another colleague pointed out that your comments were about one part of the bill and a lot of the other things you chose, with time, not to deal with, and that there is a whole package to look at and sometimes that can broaden or change the perspective.

Another colleague said that they were hoping — and this might have been a little bit tongue-in-cheek — in the future that they might see truly progressive tax legislation coming forward, perhaps from you, senator, not a tax bill but as a prompt or a motion or an examination. I think you have committed yourself in many ways to supporting the idea of progressivity, particularly when it comes to this ill-defined group of middle-class or lower-income Canadians. That's a contention I support.

I looked at this. What do I do? I turned to the primer that I have received, as I've come here to look at what the parliamentary conventions are and what the rules of order have been around how the Senate deals with taxation bills from the government.

The first thing I saw is that rules and rulings have given us the practice in the Senate of believing that it's not appropriate to pass amendments to tax bills if it would increase the revenue from taxation, whether that be by raising the rate of the tax or by extending the incidence of the tax to include other payers or items, even while proposing to relieve classes of payers or to exclude other items. The idea that you might want to reduce for some and increase for others, if it has the overall effect of increasing, would be ruled out of order.

In this case, another point of order was ruled on. It is a new ruling and it gives further clarification to this; that is, the tax increase is not with reference to the existing legislation but rather to the bill that is brought before the Senate. That gives us a set of rules. It's a new ruling, but there we have a clarification as we look to the understanding of these rules.

• (1440)

The other two things interested me as well, and these are parliamentary conventions. One of those parliamentary conventions is that the Senate would neither defeat nor insist on its amendment to a bill that implements a policy or program that's clearly articulated in the government's mandate, that is, if they ran on it and it was part of the election campaign commitment; if elected with a majority, they have a clear mandate. By parliamentary convention, that's not something the Senate would reach into and attempt to overturn or block.

This apparently is often referred to as the Salisbury Doctrine. You can tell I've taken these words from someone else; I'm a student, I'm learning, and to me it was an important parliamentary convention that was applicable in this situation.

The other applicable parliamentary convention is similar: Neither would we defeat a motion or bring forward or insist on our own amendments if that bill had passed as a matter of confidence in the House of Commons. In the case of Bill C-2, it also was a confidence bill and was passed.

On a number of fronts, that gives us guidance as a Senate on what we should do with respect to this bill.

One thing I will say is that I am left looking at a bill that I would like to see being more progressive in its taxation. I would like to see more relief for lower-income and lower middle-income Canadians. That's not the bill that is before us. It's not the public policy that the government has put forward in a combined sense, where they look to other measures like the Child Tax Credit and other things to create that relief for low-income taxpayers. But I would love to have seen more progressiveness here.

That said, I'm left looking at these conventions to make a decision on how I will vote.

The reason I take the floor today is to put on record that I will vote for this bill because of parliamentary conventions and because of the rulings that have been made, not because I agree with the contents of the bill. For that, honourable senators, I wanted to give explanation because I am not actually in favour of the government's legislation.

Thank you.

Hon. Richard Neufeld: Thank you, honourable senators. I rise today to speak at third reading of Bill C-2, An Act to amend the Income Tax Act.

As a member of the National Finance Committee, I was present for four of the five meetings on Bill C-2, during which we heard from many witnesses, including the Finance Minister, his officials, the Parliamentary Budget Officer and other subject-matter experts. Regrettably, I missed the November 15 meeting as I was travelling with the Energy Committee. I was also present at the November 22 meeting for the clause-by-clause consideration of the bill and the adoption of Senator Smith's amendment.

At the outset, I want to put on the record that I don't for a moment buy the argument that Bill C-2 should be studied as part of a larger suite of government tax policies or benefits. I was mandated, as a member of the committee, to study a single piece of legislation, Bill C-2. I was not asked to study a suite of past, current or future tax benefits.

I am not an economist, nor am I a financial guru, so I will not get into the weeds of this bill. Other colleagues have already summarized it very well. My remarks today will focus on why I supported Senator Smith's amendment to clause 1 of the bill and why I cannot support Bill C-2. I supported the amendment because I truly believed it was the right thing to do for Canadians. I put partisanship aside and voted with my conscience.

The government has argued that this bill is intended to grow the middle class. I don't buy it. In his second-reading speech in the other place, Minister Morneau touted that Canada's middle class has gone too long without a raise, and in challenging times this government has taken action to help them.

This statement is a bit misleading. Sure, middle-income earners are getting a tax cut, but it's some of the wealthiest Canadians who are benefiting the most. In light of the witness testimony we heard in committee, I believe Bill C-2 does not meet the government's intended objective.

Most Canadians in the so-called middle class would welcome the changes suggested in Bill C-2 since they reduce the tax rate for those making between $45,000 and $90,000 from 22 per cent to 20.5 per cent. Who doesn't like a tax break?

The bill also creates a new marginal tax rate of 33 per cent for taxable income in excess of $200,000. The taxes collected in the new 33 per cent bracket were supposed to compensate for the tax break for those earning between $45,000 and $90,000. Revenue neutral. Makes sense, doesn't it? Reduce the tax burden on the middle class and make the wealthiest 1 per cent of Canadians pay more.

On the surface, this all seems to make sense. But once you dive into the details — as we have in committee — we soon realized that those who benefit the most from these tax changes are the wealthiest 30 per cent of Canadians. In truth, this bill doesn't really help my friends Fred and Martha all that much.

As Senator Smith argued last week, there are two major flaws with Bill C-2: First, Canadians with incomes above $90,000 are in the income tax brackets that gets the biggest benefits, and second, the tax cut from 22 per cent to 20.5 per cent in the second bracket results in a $1.7 billion deficit yearly.

Contrary to what the government had hoped, this bill is not revenue neutral. The additional tax dollars collected with the new 33 per cent tax rate do not compensate for the tax cut in the second bracket.

Angella MacEwen, Senior Economist with the Canadian Labour Congress, told the committee:

> Another way to evaluate this proposed middle class tax cut is on its stated purpose. During the last election, the promise was made to lower taxes for the middle class and to pay for that by raising taxes on the wealthiest. The government bill does not fulfill the spirit of this promise. . . . the tax cut as designed does not benefit middle-income earners, and the government has since admitted that the increase at the top end will fall at least $1 billion short of paying for what is really an upper middle class tax cut.

The Federal Director of the Canadian Taxpayers Federation appeared before the committee on October 26. He too believes the bill does not meet its intended objective, which was to tax the higher income earners to help the middle class:

> That promise was designed as a trade-off, a straight trade. We're going to take it from this bracket and give it to these people. That is not what's going to happen. Not only will there be less revenue from the wealthy, but it's going to be

> more expensive, lost revenue on the other side, and that becomes more important if we then step back and look at the broader fiscal picture. We have a government that has tripled its promise in terms of the size of its deficit. I would argue that is a significant change in terms of policy, and . . . that will have consequences down the road in terms of repaying it.

According to the Parliamentary Budget Officer, Bill C-2 would also cost the public purse $1.7 billion in fiscal year 2016-17 and nearly $9 billion through to 2020-21. This would add important sums of money to the ever-increasing federal deficit. Senator Marshall made a compelling case yesterday on the dangers of accumulating massive deficits.

Honourable senators, consider this: Bill C-2 gives Fred and Martha, average Canadians who make $60,000 a year, an annual tax cut of $261.44. With Senator Smith's amendment, they would have received an annual tax cut of $570.12. That's more than double the amount under this bill. The amendment that we passed in committee truly helped Fred and Martha. I suggest you never lose sight of that when you consider this bill.

Let's take another example: The government's proposed legislation gives those who make $145,400 an annual tax cut of $820.43, more than three times the tax cut of $261.44 to Fred and Martha, who make $60,000. With this amendment, those same Canadians making $145,400 would have received a tax cut of $141.21, a reduction of $620.

If we want to grow the middle class, would it not make more sense for someone who makes $60,000 a year to have a bigger tax cut than the person who makes more than twice that amount?

Colleagues, I used these two examples for a reason. You may have noticed I used the 2016 sessional allowance for senators as an example. Senators make $145,400 a year. As Senator Smith argued yesterday, Bill C-2 gives all of us in this chamber a larger tax cut than a Canadian who makes $60,000 a year.

To put that into perspective, Bill C-2 gives us a bigger return than most of our staff members. How is that fair?

If you are in favour of giving our country's wealthiest Canadians a bigger tax cut, then by all means, you should vote in favour of Bill C-2.

• (1450)

I, for one, believe middle income Canadians deserve a larger tax cut than me.

Apparently that's what the Liberals wanted to do. The party's election platform was called *A New Plan for a Strong Middle Class*, and the Trudeau government's 2016 Budget was called *Growing the Middle Class*. First of all, the government seems unable to actually define the middle class, as per Minister Morneau's appearance before the committee.

Secondly, this bill is the wrong plan to grow the middle class. With this bill, the government prefers giving more to the rich and less to lower-income Canadians.

Even the minister's parliamentary secretary likes to talk about the middle class. Here's what he said in his third-reading speech on Bill C-2:

> The confidence of many middle-class Canadians in the economy was shaken, and we wanted to restore it. For once, Canadians have a government that is standing up for them by taking measures that will promote economic development, while at the same time taking into account the most vulnerable people in our society, those who are in the middle class, and those who want to join it.

I think the honourable member of the other house has it wrong. This government is not taking into account those in the middle class and those who want to join it with this legislation. In fact, I strongly believe that the Senate Finance Committee stood up for the middle class and rightfully defended their interests when adopting Senator Smith's amendment.

The proposed amendment would have actually given more money to Canadians who find themselves in the middle-income tax bracket. I was hopeful that the Senate as a whole could have done what is right for those Canadians, who deserve more and who have been forgotten by the government with this legislation.

I want to also put on the record that I oppose the government's plan to reduce the Tax-Free Savings Account limit to $5,500. The argument that only a small proportion of Canadians have maximized their annual contributions is not persuasive. How many Canadians actually maximize the money that they put into their RRSPs? I would assume it's not 100 per cent. We don't look at that and say that we're going to reduce the amount that they can actually put into it. We should encourage Canadians to save. The Tax-Free Savings Account was one of those things that they could save money in.

In closing, I want to remind all honourable senators of something very important. The Trudeau government wants to make this place more independent and has encouraged senators to do their parliamentary due diligence, which, as was explained earlier, has been done. Minister LeBlanc, in his appearance before the Rules Committee in February, said the following:

> I want to say this also to colleagues and senators. As your committees look at legislation, when you make amendments to government bills, in the interests of strengthening or improving those pieces of legislation, our colleagues in cabinet have been told to consider positively those amendments. We do not see the Senate amending a government bill to improve it, fix it or strengthen it as a defeat, a problem or a crisis. We see it as proof positive that the institution is fulfilling its important role.

I rest my case.

I respect our Speaker's ruling on the proposed amendment and the powers of the Senate with respect to money bills. I will not dispute that. However, nothing prevents this chamber from defeating this bill and encouraging the government to go back to the drawing board and come back with a better bill. Senator Smith's amendment to Bill C-2 was a valid one, with good intentions, and the government would be hard-pressed to deny that.

I, for one, truly believed we were strengthening Bill C-2 with a key amendment that would have put more money into the pockets of middle-income earners and less into the pockets of top earners. Surely the government should welcome this amendment, as it would meet some of their electoral promises.

In fact, I thought the Prime Minister and his colleagues would have thanked all honourable senators on the committee for reviewing his government's legislation so thoroughly and trying to make it better.

I know Fred and Martha would have certainly appreciated a larger piece of the pie.

Yesterday, Senator Day said:

> It is not for us to say that we have a better plan.

On the contrary, I believe, like Senator Smith argued, that we should send a clear message to the government that we can make this bill better. Colleagues, it's not too late. We can send a strong, united message to the government and ask that they reconsider their bill.

I believe it is unfair to give the largest tax credit to the wealthiest 30 per cent of Canadians. Voting for this bill means that senators in this chamber will get a better tax cut than Canadians who make between $45,000 and $90,000 a year. I don't feel good about that at all. Therefore, I will vote against this bill and encourage you to do the same.

Some Hon. Senators: Hear, hear!

Hon. Elaine McCoy: Very briefly, Your Honour, I just want to make it clear that, when this bill comes to a vote, I will be taking the position that has been so ably put to you by Senator Lankin, which is that although we are independent of political parties, we are not independent of the Senate, and so we do actually honour our parliamentary conventions. Those parliamentary conventions are to defer to the House of Commons on certain matters. Three of them are: first, if it has been clearly articulated in the government's election campaign or mandate; second, if it is a bill that has come to us from the House of Commons and was the subject of a confidence motion there; and third, if it is a bill that would, by amendment, raise income taxes. In all of those cases, parliamentary convention, which has been around longer, in fact, than the Senate of Canada has been an institution, has been honoured in our Westminster tradition, and I would continue to honour those in this case. So I would, in that case, not vote against this bill.

Hon. Donald Neil Plett: Would Senator McCoy take a question?

Senator McCoy: Yes, I would.

Senator Plett: Senator McCoy, could you tell us what your voting record is on voting for or against Conservative budget bills?

Senator McCoy: Yes, I can. I think I didn't support any of them.

Some Hon. Senators: Oh, oh!

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

(On motion of Senator Martin, debate adjourned.)

BUDGET IMPLEMENTATION BILL, 2016, NO. 2

NINTH REPORT OF BANKING, TRADE AND COMMERCE ON SUBJECT MATTER— DEBATE ADJOURNED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Banking, Trade and Commerce (Subject matter of Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures), tabled in the Senate on December 5, 2016.

Hon. Paul J. Massicotte moved the adoption of the report.

He said: Honourable senators, as you know, I'm a member of the Standing Senate Committee on Banking, Trade and Commerce. We deposited a report yesterday as to Bill C-29, relative to certain sections of Bill C-29 that we were asked to review in detail and report to the Senate for consideration by the National Finance Committee. I think the report is quite complete.

I want to use this occasion to talk to you about a certain section of Bill C-29. It is proposed section 627.03 in Division 2, and it deals with consumer protection.

The reason I raise this matter is that this section, as amended, makes it clear that from here on, after approval, the federal government would have exclusive and total authority to deal with consumer complaints relative to our federal banking system.

• (1500)

As it is today and as the Supreme Court ruled under *Marcotte* in 2014, the court made it very clear that jurisdiction is shared by the provinces and the federal government, and therefore a citizen, let's say of Quebec, gets protection from the federal rules relative to consumer protection, but it also has a right to the protection provided by the Province of Quebec and all its provisions.

I make the observation that the protections afforded by the Province of Quebec, and I'm sure it's the case for many other provinces, exceed by far the protection being proposed under Bill C-29. Bill C-29 does make improvements to the rights and recourse of consumers, but their only recourse is effectively to go through a process where an ombudsman, basically paid for and selected by each respective bank, rules.

As you would appreciate, these ombudsmen have developed significant relations with the banks because they deal with them all the time, but every time a consumer comes across it is a new relationship. So we're not convinced that the relationship is fair and satisfactory.

The concern I have is why take away the rights of clients of banks to have recourse to their provincial rights? In Quebec, you have all kinds of rights, of class action and so on, but with the passage of this bill it makes it exclusive that the province has no further jurisdiction for these matters.

I have difficulty with that. I think you're reducing a significant amount of the rights of clients and customers of our federal banks. I know the federal banks appreciate these amendments, but why not provide consumers the best of both jurisdictions, as has been the case? In other words, the government could have clearly improved their rights and recourse but without saying specifically from here on that they have exclusive rights. That is the difficulty we have.

Earlier this afternoon the Standing Senate Committee on National Finance met with Minister Morneau. Senator Pratte and other senators raised this issue. The minister was not prepared to back off and said that this is the total bill, this is a take it or leave it, and we want to pass it as is.

Why not give the clients and customers maximum protection? What is the issue? Certainly the banks would love the federal approach. It makes it clear; they deal with one federal system and not all provinces. But I'm quite concerned it doesn't satisfy our responsibility to the consumers and clients of banks.

In closing, I would simply ask: How does your province feel? Does your province realize what this bill is all about, whereby their rights relative to bank customers will be diminished and nullified? Is that appropriate? Is that satisfactory? Does that make you happy? Does that make your province happy? And more importantly, does it make all these clients and consumers happy? I suspect not. I urge you to do your research and follow up as we study this bill further. Thank you.

Hon. André Pratte: I would like to emphasize the point made by Senator Massicotte. As with many omnibus bills, we discover things as we study them. This is the case with the amendments to the Bank Act that purport to introduce a code for protection of consumers of financial institutions and banks that are exclusive federal jurisdiction.

These amendments are the result of a decision by the Supreme Court of Canada in 2014, as Senator Massicotte alluded to. That decision was in a class action case. The conclusion of the Supreme Court was that the Consumer Protection Act of Quebec applied to banks, even though banks are exclusive jurisdiction of the federal government because consumer protection is a provincial jurisdiction. Therefore, if there was no contradiction between the federal act and the provincial act, as far as consumer protection, the provincial act applied.

[*Translation*]

So concluded the Supreme Court of Canada to resolve the dilemma in which the Government of Canada found itself. A number of solutions presented themselves; the federal government chose the most simplistic one.

While the Supreme Court called on the Government of Canada to resolve this dilemma by way of cooperative federalism, the federal government instead chose a more traditional approach to federalism: taking jurisdiction away from provincial governments.

In the part of Bill C-29 that amends the Bank Act, we find a clause entitled "Paramountcy".

[*English*]

Which says that this part of the act will apply whatever provincial law would apply as far as consumer protection is involved.

So that means that if you are a consumer in a province where there is a very strong consumer provincial protection regime, then that regime, as far as banks are concerned, does not apply. It is the new federal regime framework that applies. And this is known as a weak regime, where you apply to an ombudsman with the bank, and if you're not satisfied, then you apply with another ombudsman for the banking system that is financed by banks. So that's a weak system.

There could be a much easier way. This raises constitutional questions, which are complex, and it raises the whole issue of how do you best protect consumers when they are faced with banks.

This is not an urgent issue. This could wait. But when faced with a budget bill, and of course we don't like to vote down budget bills, there are two solutions. Either we try to amend the bill, this part of the bill, or we simply try to take out this part of the bill, which is not urgent and is not really a budgetary bill, even though it was announced in the budget.

This is what Senator Massicotte and I and others tried to ask the Minister of Finance today: Why don't you simply take out this part of the bill, which is not urgent, which is complex and which deserves further study, or could we simply not look at the amendments to this part of the bill?

The minister was closed to the idea, simply saying, "Well, this is part of the budget and this is the whole bill, and we're not willing to contemplate any changes to this."

Therefore, I think we have to look at other avenues rather than simply to vote down the bill. But this part of the bill raises important constitutional questions with regard to jurisdiction of provincial governments, which has been recognized as being responsible, and provinces are responsible for consumer protection. And with regard to banks, I think consumer protection is a very important issue.

I ask honourable senators to look very carefully at this issue. I know it's coming very quickly. Bill C-29 is still at the House of Commons, but we are doing a pre-study and it will come on quickly for a vote. So please look at this issue very carefully so that we can, when the time comes for a vote, react quickly and properly to protect our consumers and the rights of the provinces. Thank you very much.

Hon. Percy Mockler: Would the honourable senator entertain a question?

Senator Pratte: Yes.

Senator Mockler: I was also at the Standing Senate Committee of National Finance chaired by Senator Smith. The minister was, like we say, in Acadie, very fluid. I had already made a few phone calls in Brunswick with respect to what impact it would have to —

[*Translation*]

—on the Fédération des caisses populaires and its direct dealings with the government by way of New Brunswick's finance minister.

[*English*]

And also on credit unions in New Brunswick. Senator Pratte, I certainly want to congratulate you on the performance that we all saw at the committee when you did ask that question of the Minister of Finance, to which he did not respond, and he deferred it to his ADM.

• (1510)

[*Translation*]

Based on your experience, Senator Pratte, will the effect in New Brunswick be similar to what you described for Quebec and British Columbia?

Senator Pratte: Thank you for your question. Credit unions are under provincial jurisdiction and will therefore not be affected because that jurisdiction will continue to apply. However, if the Supreme Court sanctions the bill as amended, New Brunswick consumers' relationship with banks, like those of Quebec and the other provinces, will be governed by the consumer protection regime set out in the Bank Act, not the one provided for in New Brunswick's laws.

It all depends on how strong provincial laws are. In Quebec, consumer protection legislation is very strong, much stronger than the federal law. I'm not familiar with consumer protection laws in New Brunswick, but one of the advantages of a federation is that people can sometimes benefit from the better of the options offered by the two levels of government.

However, as he said, the minister would prefer a uniform solution for the whole country. Uniformity can be a good thing, but it is not always preferable in a federation. In this case, more variety would be preferable. Since this is a complex debate, we should take our time instead of rushing to adopt this part of Bill C-29.

[*English*]

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I intend to speak on our report, but just as Senator Pratte has indicated, this is a pre-study of part of a budget implementation bill that was referred to our Banking, Trade and Commerce Committee. Our report was filed yesterday and we highlighted this particular area, knowing that it would be an area that we would want to look into.

I typically don't like to be pre-studying because it takes away from our fundamental role of sober second thought, but in finance matters, particularly when they come very quickly at us, we sometimes do a pre-study. An example of the advantage of doing a pre-study is that we can see areas where there may be some contention, misunderstanding or a desire to see something different than what we're seeing in this legislation that hasn't even come here yet. So we can't be making any amendments on it, but when it does come — and as Senator Pratte has indicated, it will be coming rather quickly — we will be expected to deal with it quickly because we have done a pre-study.

Now we have seen an area where there is some sensitivity. I'm hopeful that the government will take the flag that we're waving, and perhaps when we finally receive this bill, it won't be in the same state as we have seen during the pre-study. Let's hope so.

Honourable senators, with your permission, I would ask that the matter be adjourned in my name for the balance of my time.

(On motion of Senator Day, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

> That the following Address be presented to His Excellency the Governor General of Canada:
>
> To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Patricia Bovey: Honourable senators, thank you. Serving Canadians as a senator is a humbling honour, and it is a privilege to work with everyone in this chamber.

I rise today for my first time to speak to the Speech from the Throne entitled "Making Real Change Happen," presented to Parliament by His Excellency David Johnston exactly a year ago, on December 4, 2015. He spoke of diversity as Canada's strength. I quote:

> As a country, we are strengthened in many ways: by our shared experiences, by the diversity that inspires both Canada and the world . . . .

He called for renewing "nation-to-nation, the relationship between Canada and Indigenous peoples."

[*Translation*]

He also said that we must make it easier for immigrants to settle in Canada and be successful.

[*English*]

Honourable senators, having had a long career in the visual arts as a curator and a director of several major Canadian art galleries, a professor and author, you will not be surprised to hear that I believe the arts are a critical part of living and realizing those goals.

The arts play an uncontestable and considerable role in all aspects of society: understanding diversity, building relationships and knowledge with indigenous nations, and welcoming immigrants. Allow me, please, to give some context.

[*Translation*]

Artists from all cultures and from all over the world have given us an understanding of our past and our present through the three international languages of dance, music, and the visual arts. The visual arts are transformational and help us understand our local, regional and national communities. They teach us about our history and the contemporary issues that affect us, and they serve as bridges in our society.

[*English*]

A current graduate student of mine is Sikh and immigrated to Canada from India with her family when she was five. She is exploring diversity, highlighted in the Throne Speech, and preparing an exhibition of work by young contemporary Winnipeg Islamic artists. She is doing cultural, religious and artistic research; visiting artists' studios; selecting works; and writing a curatorial essay. Given the histories between these two cultures, I think this is a challenging and remarkable undertaking for a young student. It bodes well for future collaborations, shared experiences and understandings between diverse cultures.

[*Translation*]

The power of the arts is infinite. Visual artists depict beauty, inspiration, current issues and our present reality, our challenges, and our visions for the future.

[*English*]

On the eve of Canada's one hundred fiftieth anniversary, all these sensibilities merge. Our musicians, artists, writers, composers, filmmakers, choreographers and more present Canadians to themselves and Canada to the world.

Canadian arts have inspired the world. When in Durham, in Northern England, my family and I went to a character-filled small bookshop in the heart of town. It was narrow, shelves around the wall, with three large tables from front to back. Canadian authors filled those tables. I asked if they were having a writers' festival. The response? "No, these tables are reserved for the world's best writers. Do you have a problem that they are all Canadian?" My pride was palpable.

International tours by the National Ballet of Canada, the National Arts Centre Orchestra, the Royal Winnipeg Ballet and Quebec playwrights are only a few of the many aspects of Canada's cultural diplomacy. The arts are the voice of Canadians internationally. Unfortunately, our international pride has suffered in recent years with fewer artists' works going abroad, but their impact is far larger than often recognized.

In 2011, for instance, the Dulwich Picture Gallery, Britain's oldest public gallery founded in 1817, developed and presented a major exhibition of Canada's Group of Seven, the first ever in England. It was the second-best-attended exhibition in that gallery's history, with more than 41,000 people in 12 weeks. Its director, Ian Dejardin, Canada's McMichael gallery's incoming director, commented:

> The response has been overwhelming and we are still shell-shocked by how many visitors came to the gallery. It has been a pleasure to reintroduce such an amazing and talented group of Canadians to a British audience.

• (1520)

In 2014, that same gallery presented the art of Emily Carr, who was also a Governor General's Literary Award recipient. That exhibition became the gallery's sixth-largest attended. The *Telegraph* said:

> Carr is definitely an artist to reckon with . . .. do take a look. Believe me, you'll never ask who Emily Carr is again.

The Guardian called it a "riveting show." She was dubbed Canada's van Gogh.

The arts are also important in renewing relationships between Canada and indigenous peoples at home and abroad, which the Throne Speech also called for. In 2004, I had the opportunity of organizing a partnership between Inuit artists of Holman and Sami artists of Norway, exploring links in a dual exhibition in Tromsø, north of the Arctic Circle. It was eye-opening for both Canada and Norway, and these connections continue.

First Nations artists are the best-known Canadian artists abroad and the most collected by public and private collections. Their works hold key places in significant galleries and museums in Paris, London, Oxford, Germany and closer to home in New York, Chicago and Washington — the list goes on — and the public is always captivated.

The arts are letting the world know who Canadians are, where we are and what we value, and the impressive trade numbers recorded by DFAIT over many years attest to the growing importance of the arts in Canada's international trade.

At home, we have much to be proud of, too. The opening, 10 days ago, of Alex Janvier's retrospective exhibition at our national gallery was triumphant. There is no question as to his importance to the Canadian art scene. Janvier was a founding member of the Woodland Group of Seven, the first First Nations artists ever to have an exhibition in a Canadian art gallery, the Winnipeg Art Gallery, in 1972.

That group's influence and significance was and remains monumental for indigenous artists of all generations across this country, and to Canadian art as a whole.

The Royal Winnipeg Ballet's 2014 production *Going Home Star — Truth and Reconciliation* was groundbreaking. Its creation team included indigenous award-winning writer Joseph Boyden, Cree leader Mary Richard, composer Christos Hatzis and Inuk throat singer Tanya Tagaq. The performance, telling a tough part of Canadian history, was stunning. In my view, it should be seen around the world.

The arts also have significant economic benefits. The 2012 Hill Strategies' Cultural Labour Force noted that 671,100 people were employed in cultural occupations in 2011: 3.82 per cent of the overall labour force, or one in every 26 Canadian workers, over two and a half times more than those in real estate, about double those working on farms and slightly lower than the wholesale trade industry.

In contrast to those positive contributions, qualitative and quantitative, our artists comprise a large proportion of Canadian workers earning less than the poverty line and are ineligible for many benefits Canadians take for granted. Their average income was $27,600.

Ontario's 2010 cultural tourism statistics, published in 2012, showed that 89 per cent — 18.5 million visitors — cited arts and culture as a key activity; arts attendees represented 22 per cent of overnight trips to Ontario; visitors to Ontario's arts and cultural events contributed $3.7 billion to Ontario's GDP; and the arts themselves contributed $1.7 billion in taxes.

Winnipeg's 2.8 million visits — more than 2.2 million being for leisure — contributed $506 million to that economy in 2010. Arts and culture represented 17 per cent of 2004's tourist activities. Approximately $87 million was spent by tourists enjoying Winnipeg's arts and cultural activities in 2007 alone. Honourable senators, these numbers are not small.

My graduate student from Ghana is delving into critical understandings of diversity in his work on the Winnipeg Art Gallery's new Inuit Art Centre, linking its potential tourism impacts with stories behind specific Inuit works of art.

[*Translation*]

The arts make substantial contributions to and have a major impact on two social issues that I would like to talk about today. They are health and crime prevention. I will talk about other issues another time.

[*English*]

In a 1996 arts and health study by Swedish, British and New York, researchers found arts attendees live two years longer than non-attenders and cost the health system less. More recent research has shown that arts attendees tend to be discharged from hospital after elective surgery one or two days earlier than others.

Many studies point to myriad benefits of the arts. The 1997 report *Live Arts Experiences: Their Impact on Health and Wellness,* by Dr. Michael Jon Spencer, noted the restorative power of the arts, commenting:

> The single most important thing about a live arts experience is the sense of participating in an exchange with the artist and being part of life rather than absent from life.

This fall's Royal Manitoba Theatre Centre production, *The Curious Incident of the Dog in the Night-Time*, simultaneously with that on the London stage, was a poignant description of what many see as autism. Its notes said:

> The main character, Christopher, refers to himself as having 'some behavioural difficulties.' It is a story about 'being an outsider' and seeing the world from a unique perspective. In this way, the story becomes more relatable to the audience.

This play is unquestionably increasing society's empathy, expanding the awareness of what it is to be an outsider.

Statistics regarding crime prevention are even more compelling. A 1990s Fort Myers pilot project is now the North American benchmark. It focused on 11- to 14-year-old youth at risk in a theatre, visual art and writing project, led by artists and held in a safe place.

The youth wrote the plays, mentored by a playwright; made the sets, with the assistance of visual artists; produced the plays, mentored by professional theatre directors; and some youth were actors, others directors, stage hands or costume designers. They developed the marketing strategies and sold the tickets. All were committed to the timelines and collectively involved in the entire scope of the production.

At its outset, 75 per cent of the children were making less than a C average. That quickly rose to 80 per cent making a C average or better. Since the outset of the program, juvenile crime has dropped 28 per cent and among youth aged 11 and 12, the rate of recidivism has dropped 64 per cent.

It was reported by Coming Up Taller that:

> Art programs that allow youth to lead and accept responsibility is part of what makes these programs work. . . the kids are responsible for the success.

Winnipeg's Art City and Red Deer's Art in the Park program likewise have prevented youth "from becoming further entrenched in street activities that may lead to crime."

According to McMaster University's Dr. Gina Browne:

> . . . accessible services appeared to pay for itself through the reduced use of health and social services such as child psychology, social work, policing and probation. A $500 savings was attributed per family, not including the doubling of exits from social assistance!

[*Translation*]

The arts have a positive impact on environmental and rural issues, as well as on education and many other areas.

[*English*]

Those are for another time. Honourable senators, I strongly believe the arts are not a frill but critically integral to the health of our communities.

[*Translation*]

I know that the arts will become increasingly important in the months and years ahead as we attempt to address national issues related to diversity, indigenous affairs, and immigration, in particular.

[*English*]

Essential in Canada's diplomacy, in building bridges between peoples and enhancing our economy, tourism, health and crime prevention, the awareness of the strong, impactful relationships of the arts must be extended to all elements of Canada's civil society. We need to ensure the arts are part of discussions in all sectors. In my view, we cannot move forward substantially in any societal issues without engaging and learning from the arts.

The Throne Speech gave us positive direction: diversity, renewing relationships with indigenous peoples and making immigrants' lives easier. The arts are a compelling tool for each of these challenges. I hope we will actively employ these powerful international languages effectively as fundamental rudiments throughout society. The arts are not frills; they are the essence of who we are. We ignore their expressions at our peril.

• (1530)

Some Hon. Senators: Hear, hear!

(Debate adjourned.)

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Jody Wilson-Raybould, the Minister of Justice and Attorney General of Canada appeared before honourable senators during Question Period.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is 3:30 p.m., and pursuant to the order of the Senate, we will proceed to Question Period. I would ask that the minister take her seat and we will welcome Minister Wilson-Raybould.

Honourable senators, I wish to advise that pursuant to the order adopted on December 10, 2015, the Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada, is with us today to take part in proceedings by responding to questions relating to her ministerial responsibilities.

As was the case in past weeks, I would ask colleagues to please limit the preambles to your questions. We have a long list of senators every week who wish to partake in Question Period when we have a minister.

After consultation, it has been agreed that senators will ask one question without a supplementary until we go through the whole list. If senators wish to ask a supplementary and we get through the normal question list, their names will be called a second time.

JUSTICE

JUDICIAL APPOINTMENT PROCESS—COURT DELAYS

Hon. Claude Carignan (Leader of the Opposition): Thank you, madam minister.

Your government was elected in 2015. After you formed the government all positions on the judicial advisory committees were abolished and are still vacant over one year later. Last July 8, the *Jordan* decision hit the justice system like a bombshell. A multitude of proceedings were stayed which, in turn, caused thousands of criminals to go free or to get back on the street soon due to a serious shortage of judges.

On October 26, the Commissioner for Federal Judicial Affairs wrote to everyone in the pool of candidates for judgeships, including the candidates deemed suitable for appointment and those who had applied and were waiting for a response.

The letter is titled "Personal and Confidential." She wrote in her letter:

> In other words, whether you have already assets by a judicial advisory committee or comments have already been provided to the Minister of Justice if you are a provincial court judge, or if you have filled out a personal history form as a proposed candidate, you must reapply under the new process if you are still interested in the judicial appointment.

This means that instead of filling the 43 vacancies and thus minimizing the disastrous consequence of the *Jordan* decision, you made the problem worse and caused irreparable damage by discarding hundreds of applications of judges who have already been or were in the process of being recommended.

So, minister, do you realize that because of this ideological orientation, you are not solving the problem, but just making it worse? Minister, why did you discard the pool of candidates?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: I wanted to thank all honourable senators for having me here today, and I thank you for your questions.

Perhaps I can speak to the judicial advisory committees and the new appointments process that I was very pleased to institute, and then speak about the court delays, which I imagine will be a subject of conversation today.

With respect to the judicial advisory committees, I was very happy earlier this fall to introduce a new appointments process for superior court justices across the country. With the intent to ensure that we do as much as we can to diversify the judiciary, to ensure that we have high-quality, high-calibre candidates who put their names forward and to amend the application process to understand more of the background of those who wish to sit on our country's courts.

Included within that process in terms of the appointments, we reconstituted the judicial advisory committees to ensure that they also reflected the diversity of our country and to ensure that I would be able to appoint three members of the judicial advisory committees that would be drawn from the public at large, the first time ever that we had a public application process for members to sit on the judicial advisory committees.

I note something that the honourable senator mentioned. I am pleased to have appointed 41 highly qualified justices who reflect the diversity of our country since becoming the minister. I am going to continue to work diligently with my judicial affairs adviser and certainly with the judicial advisory committees, some of which are reconstituted already, and I look forward to making more appointments to our superior courts toward the end of January, early February.

For the honourable senators' note, vacancies across the country for judges are now well below 40 per cent. Does that mean there isn't a need to ensure that we continue to appoint judges? Absolutely we do, and I am very optimistic that the process we've instituted will ensure the diversity and high calibre of what we expect in the country. Certainly the lack of judges is one aspect that contributes to delays, but it's just one aspect.

In my mandate letter, the Prime Minister asked me to do a comprehensive review of the criminal justice system, including sentencing reform. I am committed to ensuring that we look for and identify where we can improve the efficiency and effectiveness of the criminal justice system, working in partnership with my colleagues, the Attorneys General in the provinces and territories, which we have been doing on an ongoing basis, to look at bill reform, where there can be administrative efficiencies, and to continue to work together in that regard to resolve all of the issues because the administration of justice is a shared responsibility. We will look at all the ways we can improve and prevent the delays we've been seeing.

Hon. Serge Joyal: Welcome, madam minister. I listened to you carefully, and I have the impression that you are disconnected with the reality of today and the grand scheme of reforming the system.

Today we face a dear crisis where persons charged with the most serious crimes — murder, attempted murder, homicide, sexual assault, corruption — are set free in the public because all those charges are stayed. There are 200 of those cases in Quebec now. The Chief Justice of the Superior Court of Quebec went public last Friday, claiming that if there is no appointment of justices, the situation will get worse, day after day.

The impression we got is that you don't realize that since *Jordan* the parameters have changed. We are in a transitional period. What are you ready to take as emergency measures to face that situation, whereby the public is losing trust in the criminal justice system of Canada?

Ms. Wilson-Raybould: Thank you, honourable senator, for the question. It gives me further opportunity to underscore that I am very aware of delays that exist across the country and I am very familiar with the Supreme Court of Canada decision in *Jordan*. Along with my colleagues in the provinces and territories, I certainly recognize the need to ensure that we work in a coordinated manner to improve the effectiveness and efficiencies in the criminal justice system.

As you can imagine, I deal with these issues every day and am in constant communication, both myself and my officials, with my counterparts in the provinces and territories. I'm very pleased that through the work we've done, not only at the federal-provincial-territorial meetings but as recently as October, and on an ongoing basis, we have been able to work with the Province of Quebec and the Province of Ontario, both of whom made announcements in the last week about the innovative approaches that they will be instituting, for their part, to deal with a lot of the delays that they're seeing.

• (1540)

Again, I would underscore that I'm very aware of the challenges of delays and the many different factors that lead to those delays. I am very committed to ensuring that I meet the mandate requirement that the Prime Minister put in my letter to do an overall review of the criminal justice system and to ensure that that review, including sentencing reform and looking at mandatory minimums, is with an eye to be smart on crime, recognizing that we need to ensure that we respect victims of crime, that we have public safety as top of mind and that we ensure the rights and protections of individuals who come into contact with the criminal justice system.

MEDICAL ASSISTANCE IN DYING

Hon. Pamela Wallin: Thank you, minister, for being here again. I'm going to change topics. You can probably predict what I might be asking you about.

When the government introduced Bill C-14, the assisted dying law, there was no provision in it to allow for advance directives. A competent adult was not permitted to outline in advance the circumstances in which they would want an assisted death in the future when they might no longer be competent or able to communicate their wishes.

Amendments brought in on that topic to this chamber did not pass; however, Bill C-14 did set out a provision committing the government to launch a study on the matter within six months.

The six-month mark is nearly upon us. Can you please tell us in this chamber who will be conducting this study and when we might expect a report?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for the question, honourable senator. To all the senators in this room, thank you for the thoughtful contributions, debate and discussion that you had around Bill C-14, medical assistance in dying — a very emotional, very personal issue that we can all relate to.

To your specific question — and this was in great part due to the debate and the discussion that was held in this house and in the other place — we amended the preamble to include the necessity of holding and having three studies, advance directives,

mature minors and those individuals suffering from mental illness. We are committed to ensuring that we launch those studies.

Honourable senator, I am going to be very pleased, along with Minister Philpott, to provide more details with respect to those in the very near future, recognizing that we are required to do so within six months. I would be very happy to make that announcement soon and happy to speak with you if you wanted to talk about that further.

DETENTION IN CUSTODY

Hon. Bob Runciman: Minister, my question is about Bill S-217, a bill that passed through the Senate's Legal Committee and this chamber and is now in the house, where your government is indicating that it will not even allow it to go to committee for study.

Bill S-217, as you know, closes a loophole in the bail process to make sure presiding justices are told about the bail applicant's criminal record — information readily available to prosecutors and almost universally introduced at bail hearings. The bill places no onerous requirements on prosecutors, does not infringe on judicial discretion and will not slow down the court process. What it will do is prevent the type of mistake that resulted in the release of a career criminal and led to the 2014 cold-blooded murder of RCMP Constable David Wynn, a mistake that cost Shelly Wynn and their three children a husband and father.

Minister, why won't you let this bill move forward to ensure that no other family has to go through the hell that Shelly and her three sons have gone through?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for the question. I've been asked this question very recently. First of all — and this is what I said in the other place — without question, I recognize and empathize with the pain that has been caused in this case with respect to Constable Wynn and the need to prevent these situations from happening as much as we can.

As I said before in other venues, we're committed to ensuring efficiencies and effectiveness in the criminal justice system and are making and undertaking substantive review in terms of how we can go about improving that, including bail reform. I recognize this in that bill and uphold the intent and the objectives of ensuring that all of the information is made available in making decisions. The various aspects of the bail system, as I indicated, are currently being reviewed by the federal government and by the provinces and territories, to ensure that we can address them in a collaborative manner.

A report was done in collaboration with the provinces and territories. That report did not seek or ask for the remedies that are spoken to in the bill. However, I underscore again that I understand why there are emotions around this, and I certainly want to recognize those emotions. We are doing everything we can and are working in partnership and in collaboration with the provinces and territories around the administration and ensuring that we reform the bail system in a manner consistent with the needs, discussions and realities of the different jurisdictions across the country.

[*Translation*]

HUMAN TRAFFICKING

Hon. Pierre-Hugues Boisvenu: Today is our National Day of Remembrance and Action on Violence against Women. The media recently reported that crimes related to human trafficking reported in Canada have been on the rise since 2009. In 2013 and 2014, crimes of this nature doubled in Canada. Fifty per cent of those crimes involve minors who are just 13 or 14 years old. In 2015, Parliament and the Liberal government, including your parliamentary secretary, unanimously passed Bill C-452, which gives police officers additional tools to better protect the victims and crack down on the offence of procuring.

After 18 months of waiting, we remain in the dark. I have asked the Government Representative in the Senate two questions about this and haven't received any answers.

Has one of the clauses in Bill C-452 been found lacking? If so, is it possible to enforce the bill's other provisions in the interest of protecting victims? Minister, 50 per cent of the victims are girls, minors, and I hope that you remain just as sensitive to their plight.

[*English*]

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for the question, senator. I share the concern and the need to protect those who are most vulnerable among us, recognizing we are here on December 6. I am quite familiar with Bill C-452 that speaks about human trafficking.

In terms of our government, we are committed to doing everything we can to protect vulnerable women, girls and individuals from being taken advantage of or being subjected to human trafficking. We take this incredibly seriously and are committed to combatting it.

In that regard, my officials and I have closely reviewed Bill C-452. I look forward to working and upholding the aspects of this bill and making announcements about how we can achieve the stated intentions within it to contribute to the protection of individuals who are subject to human trafficking and doing what we can to prevent it.

• (1550)

I recognize Bill C-452, and for the most part the aspects in it that would contribute in this regard, and I would look forward to making some announcements in the near future on our government's approach to Bill C-452.

RELATIONS BETWEEN POLICE AND FIRST NATIONS PEOPLE

Hon. Sandra Lovelace Nicholas: I, too, would like to recognize that today is the National Day of Remembrance and Action on Violence Against Women. My question to the minister is about the alleged abuse in Val-d'Or, Quebec.

You will remember that the investigation into allegations by indigenous people of police abuse in Val-d'Or, Quebec, began in October and was aired on the radio in November. There were

15 complaints of a sexual nature, with the rest focusing on alleged violence and intimidation. The Montreal police force investigated the allegations and three veteran prosecutors from outside the Val-d'Or region examined the files, as well as a civilian observer, Fannie Lafontaine, a human rights leader.

Judging from the links to the Quebec government of each of the players involved in looking at the allegations of police abuse, it is no surprise that three prosecutors will not be charging the police. The Crown could not pursue charges because the investigating body said there wasn't enough evidence to identify the accused officer: six police officers' word against 37 indigenous complaints. Sounds to me like racism, sexism, implying that the complainants are liars and not credible.

The Quebec government claims that the inquiry would be too costly, but cost was not an issue when in October a $200 million strategic plan to combat sexual violence against women, especially on campuses, was undertaken. This is interesting when compared to the federal government providing around $66 million for the national inquiry into missing and murdered indigenous women and girls.

Since they've been asking for an inquiry for over a year, and I support this request, will the government support an independent commission to examine relations between police and First Nations?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for the question, honourable senator, and your years of work in this regard.

I recognize the reality of Val-d'Or and the allegations which stem from the interaction between indigenous persons and the police. It has been tumultuous for these communities. I've had the opportunity to speak with many indigenous peoples and with the regional chief, Ghislain Picard, and others with respect to that situation.

I'm proud of the work we've done as a federal government in launching a truly national inquiry into murdered and missing indigenous women and girls under the leadership of the Prime Minister, by working with my colleagues, the Minister of Status of Women and the Minister of Indigenous and Northern Affairs. We undertook a substantive pre-inquiry phase to lead up to and get informed by indigenous family members and survivors. We wanted to take from them their best advice and wisdom on how we could structure a national inquiry that could truly get at the issues that you've mentioned; issues of systemic racism, inequality, marginalization, the lack of appropriate training to deal with persons that have faced violence, dealing with implicit bias that exists in many of our institutions.

Through those discussions, we were able to put together terms of reference. I want to commend all the provinces and territories in this regard. It was supported by orders-in-council under their respective inquiries acts. This is truly a national inquiry that will ensure that we hear the lived experiences of the missing and murdered and their family members so that we can, in the most appropriate way, honour their lived experiences and their memories and tell that story.

Second, in terms of the relationship between the police and indigenous peoples, we must identify and get at the systemic barriers and why they exist, to be able to provide the independent commissioners, of which there are five, the ability to investigate those institutions, whether that is the RCMP or other police forces across the country. They have the ability in terms of the broad terms of reference. We specifically drafted them broadly. They can look into those matters and call evidence if that's what they choose to do.

Third, it's truly a national tragedy that needs to end. We've made concerted efforts to do that. We must get at and understand the root causes of why this situation exists in the first place, so looking at poverty, marginalization, and the debilitating legacy and shadow of colonialism.

I know that the five commissioners will and have already taken on their remit with vigour. I look forward to seeing the fruits of their work and seeing the discussions and the submissions that they hear from families and survivors and the recommendations they will bring forward to ensure that situations that exist in Quebec, in my home province of British Columbia, do not continue and that we can move beyond this national tragedy.

MENTAL HEALTH SERVICES FOR INMATES

Hon. Murray Sinclair: Thank you, minister, for being here. I have a whole bunch of my own questions, but I have committed myself to asking questions on behalf of Senator Pate, who is unfortunately not able to be with us today because of other commitments.

She asked me to ask you this: It's been more than nine years since the death of Ashley Smith, who died in segregation at the Grand Valley Institution for Women, and Terry Baker, another inmate at that same institution, recently died there this past July. Both of them had disabling mental health issues.

Implementing the recommendations from the inquest into the death of Ashley Smith has been included in your mandate as the minister from the Prime Minister. Senator Pate would like to know what steps have been taken to ensure that those with disabling mental health issues who are incarcerated in federal institutions have access to the appropriate mental health services and/or are diverted or removed from prison for those services.

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, honourable senator, and to Senator Pate, for the question.

Operationalizing or looking at the recommendations from the inquest into Ashley Smith is part of my mandate letter, as it is part of the Minister of Public Safety's letter, Minister Goodale. He and I have been working very closely on this, as we do on many files. There are so many recommendations contained therein, but we have had substantive discussions and advice on administrative segregation, both here in Canada and throughout the world, that we will be moving forward. I believe Minister Goodale will be making announcements in that regard in the near future.

• (1600)

In terms of individuals who suffer from mental illness in any part of the criminal justice system, I have to say as part of the overall criminal justice review — and this has everything to do with Minister Goodale as well, in terms of looking at prisons and our institutions to ensure we're providing the appropriate supports that individuals need in those institutions — about 70 per cent of the individuals who are in the criminal justice system are suffering from a form of mental illness or addiction.

Maybe this is a long way of answering your question, but one of the passions that I have is we need to ensure that we punish those individuals who are inherently criminal, who pose public safety risks. We need to follow through and ensure that we're doing our job in that regard in terms of criminal justice, but when there are individuals who are suffering from mental illness, like in this case, or suffering from addictions and why the inquest came about, we provide the appropriate supports and the appropriate treatments that those individuals need and deserve. We're committed to doing that so much that we recognize in order to resolve the challenges that we face in the criminal justice system I, as Minister of Justice, or the Minister of Public Safety cannot do this alone. This is a cross-government necessity in terms of working together.

That's why we have had ongoing discussions with the Minister of Health, Minister Philpott, whom you have all met, to talk about what we can do to support people suffering from mental illness or addictions not only once they arrive in an institution after they have been convicted of something, but most importantly how we can address in a preventative manner to provide those social supports for individuals in a more comprehensive way so that our prisons and the criminal justice system isn't the resulting place where all of the challenges that we have in terms of our social services or the lack thereof are the resulting place where these individuals go.

Again, working across government, we need to ensure that we work with the Minister of Health, we need to provide individuals with a safe place to live because having a safe and secure home is something that contributes greatly to pride and empowerment and getting a job.

We're committed to looking at prevention, to looking at providing the appropriate social safety nets working with the provinces and territories, and when individuals are in the criminal justice system we need to do everything we can — and this is the commitment that I have made across the country to restorative justice — to ensure that we create the off-ramps. If an individual comes into the system, we will do everything we can so that the individual doesn't just continue to come back and essentially go through a revolving door.

One measurable we have to see if we're doing well or if we're improving is looking at the overrepresentation — not only of people suffering from mental illness or addictions, many of whom are indigenous — and the overrepresentation of indigenous peoples generally. That is a measurable we are considering. This is not a short-term fix but a long-term one as we recast our approach to the justice system to a place where we are being smart on crime and providing the necessities that every human being deserves.

[Ms. Wilson-Raybould]

MANDATORY MINIMUM PENALTIES

Hon. Paul E. McIntyre: Thank you, minister, for being here today and answering our questions.

As you have indicated, you have been mandated by the Prime Minister to do a comprehensive and broad review of the criminal justice system, including a review of the mandatory minimum penalties that are contained within the Criminal Code.

Could you inform this chamber as to which mandatory penalties you intend to review; is it for the most serious crimes or less serious crimes? For example, as we all know, child sexual assault is incredibly serious. The current law calls for mandatory minimum penalties for the sexual exploitation of children. In conducting your review, is it your intention or the intention of your government to remove this mandatory requirement regarding sexual exploitation of children and leaving the matter entirely to the discretion of the presiding judge?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for the question. Again, part of the mandate letter, as you spoke about from the Prime Minister, is to conduct a comprehensive review of the criminal justice system, including sentencing reform, which will include a comprehensive review of the mandatory minimum penalties that exist in the Criminal Code, of which there are 63.

While our government supports mandatory minimum penalties in the most serious of offences — murder and high treason — we will be looking at every other mandatory minimum penalty, and this is not something that we take lightly. It's something that we will do in a detailed way, recognizing that I am responsible for ensuring the laws that exist in this country, that exist in the Criminal Code, are meeting the objectives of why they were put in place. That's part of the review in which we will be engaged.

I will say, and this not only comes from my being the minister but being a former Crown prosecutor and presenting in front of judges every day, I believe very strongly in judges being given the necessary discretion that they should have when presented by an individual in their court who has committed a crime, being able to assess that individual, understand the personal circumstances of that individual, and being able to reflect on those circumstances, whatever they may be, which is so necessary for a judge to be able to take into account in terms of sentencing.

While I don't have a specific answer to your question with respect to the mandatory minimums that you referenced, we will be reviewing those, just as we will be reviewing all of the mandatory minimums. Again, I don't have a specific timeline in terms of which the reforms will be brought forward, but it's a priority for me and for our government and I hope that it is brought forward sometime in the spring.

SOLITARY CONFINEMENT

Hon. Art Eggleton: Minister, I want to follow up on Senator Sinclair's question about mentally ill inmates in the federal prison system. I specifically want to focus on solitary confinement.

Last week a report came out that suggested that 69 per cent of federal prisoners flagged with mental health issues in maximum security federal prisons have been in long-term solitary confinement within the last year with an average stay of 81 days. The average length for all prisoners in solitary confinement in the previous year was 27 days. A UN committee has said that more than 15 days in solitary confinement is unreasonable and cruel.

What is taking so long to make the changes in solitary confinement to provide support? You said they need support. Well, they do, but you can't leave them in solitary confinement for these excessive lengths of time and expect that they will be able to survive through that.

What is the government doing to take quick action to deal with this question of solitary confinement?

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for the question. I too have seen those situations and circumstances reflected in the news and in the media, and they are very concerning, without question.

What is our government doing with respect to solitary confinement or administrative segregation? We have received recommendations in that regard from the Ashley Smith case as well as a person suffering from mental illness. Again, I am working with the Minister of Public Safety who has the lead in bringing forward our government's view, positions and potential changes with respect to administrative segregation.

• (1610)

Not to speak for Minister Goodale, but we've had many conversations in and around administrative segregation. He will be bringing things forward in the near future to address those challenging issues you referenced. I say "in the near future" because I want to be respectful of Minister Goodale and the work he's done.

We're very aware and have taken very detailed reviews of the reports that have been brought to us, not only here but throughout the world with respect to timelines regarding administrative segregation, what's appropriate and what's not appropriate. I look forward to Minister Goodale making announcements in that regard.

Again, with respect to persons suffering from mental illness, we need to do better. We are committed to doing better. Minister Philpott, Minister Goodale and I look forward to addressing these cases in a concerted way. I would look forward to having further conversations with you in this regard.

[*Translation*]

BILINGUAL JUDGES

Hon. Raymonde Gagné: Last week, Minister Joly took part in Question Period. I asked her some questions about the bilingualism of all the judges appointed by the federal government, as this is first and foremost a matter of access to justice.

The minister said that the issue of access to justice was certainly a priority that had been set for this year following a meeting between the federal and provincial governments on the francophonie and official languages. She also talked about an inventory of bilingual judges that is currently being taken. Earlier in your response to Senator Carignan, you made reference to that inventory.

My questions are as follows: When will this inventory be ready? Will it be shared? Are you going to consider a minimum threshold of bilingual judges per province to ensure that defendants truly have access to justice in the official language of their choice?

[*English*]

Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada: I thank the honourable senator for the question. I certainly appreciate working with Minister Joly in and around languages and bilingualism.

In terms of judges and appointments to the judiciary, I will highlight a couple of things we have done. I was very pleased to support the Prime Minister in announcing the new process for the appointment of Supreme Court justices. I'm incredibly proud to have participated in the appointment of the Honourable Justice Malcolm Rowe who was just sworn in last Friday. He is a bilingual judge from Newfoundland and Labrador, the first in our country's history. I was tremendously honoured to assist the Prime Minister in that regard.

Part of the process that led to ensuring we had a judge who was functionally bilingual was to include in the criteria that an individual had to meet that requirement of functional bilingualism. We were fortunate that Justice Rowe is bilingual, as evidenced from many of his discussions and engagements with individuals.

That's one aspect of ensuring that we promote both of our official languages as much as we can, because I agree with you, senator, that individuals do have the right to be heard in their official language of choice.

How can we translate what the Prime Minister has committed to in the Supreme Court of Canada process to, within my domain, the appointment of Superior Court justices? Again, we have renovated the application processes. In many regards, in terms of diversity and in terms of supporting and acknowledging the importance of being able to speak in both languages, whether your first language is French or English, we have placed on the application specific boxes that recognize where an individual can tick the box that they either speak both languages or are functionally bilingual.

While the list of judges, recognizing that we need to protect the privacy of judges that put their names forward — like we did with the Supreme Court, this is something that we can — and I'm thinking about this right now when I'm talking to all of you: How can we ensure that we report out or increase the number of judges, not just where people speak French more prominently, but right across the country, so there is that access to justice in your language of choice?

We've put it into the application process. It certainly is a benefit for a judge to put their names forward and identify themselves as

bilingual or functionally bilingual. Like a diversity requirement, that is also a benefit.

I'll continue to work with Minister Joly. We will ensure we provide some data that show we are making improvements in diversity and functional bilingualism. Again, as I move forward with the new judicial advisory committees, I have instructed those committees to turn their minds to individuals who speak both languages. It is a priority in making their recommendations of highly recommended individuals to me for consideration for appointment.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm certain you'll want to join me in thanking Minister Wilson-Raybould for being with us today. Thank you, minister.

Hon. Senators: Hear, hear.

The Hon. the Speaker: I also want to thank honourable senators for their understanding with sticking to one question. While we were unable to get through the whole list, today we had almost twice as many senators participating in Question Period as in the past, so thank you very much for your understanding.

ORDERS OF THE DAY

UNDERGROUND INFRASTRUCTURE SAFETY ENHANCEMENT BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Omidvar, for the second reading of Bill S-229, An Act respecting underground infrastructure safety.

Hon. Richard Neufeld: Honourable senators, I am honoured to rise today to speak to Bill S-229, An Act respecting underground infrastructure safety, which was introduced in the Senate on September 29 by our colleague Senator Mitchell. I want to thank the Government Whip for his initiative.

This will likely come as no surprise to anyone: I strongly support this bill that would create a federal underground infrastructure notification system. This bill is important because most people often take for granted the impressive amount of infrastructure buried across our country. We watch television in our homes thanks to the telecommunication cables. We surf the Web thanks to fibre optic cables. We heat our homes thanks to natural gas pipelines and electricity cables, and we flush our toilets thanks to water and sewer lines. We call our kids and grandkids thanks to telephone lines. There is a good chance that all of these lines, wires and cables are found underground.

Senator Mitchell and Senator Plett were both persuasive in their second reading speeches on the need to adopt this bill. For the sake of time, I will not re-address everything they discussed. However, I will remind senators what this bill seeks to achieve.

Among other things, Bill S-229 would essentially achieve three things.

First, it would require that operators of underground infrastructure that is federally regulated or located on federal land register that underground infrastructure with a notification centre.

• (1620)

Second, it would also require that persons planning to undertake a ground disturbance make a locate request to the relevant notification centres.

Finally, it would also require that operators of registered underground infrastructure, upon a locate request, mark the location of the underground infrastructure, provide in writing any other accurate and clear description or indicate that the ground disturbance is not likely to cause damage to the underground infrastructure.

What does this all actually mean? It's pretty simple. Let me give you a real-life example. As I referred to earlier, Fred and Martha live in northeastern British Columbia. They have grandkids who love swimming, so they decide to install a large in-ground pool in their backyard. Fred doesn't know what kind of underground infrastructure is found on his privately owned land. Before any digging begins, Fred or his contractor will make a locate request to a notification centre for information on the location of any underground infrastructure that could be damaged by any ground disturbance.

Fred finds out that his cable TV provider has wires buried in his backyard. The company will then come to Fred's home and mark the ground at the location of the underground cables and provide the information in writing to Fred. By contacting the one-call centre, Fred and Martha may have prevented a community-wide cable interruption, thus ensuring that Fred's neighbours can continue to watch our Senate committee proceedings on CPAC with no interruption.

While this example is not one of catastrophic proportions, imagine if Fred's contractor had started to excavate his backyard and hit a natural gas pipeline? There have been some reported cases of similar events across Canada where people have actually died. For example, in 2013, there were nearly 7,300 reports of damages by excavators to buried facilities reported in Ontario, Quebec and B.C. alone. These incidents should and can be prevented. Bill S-229 is one solution.

As colleagues may remember, in 2014, the Standing Senate Committee on Energy, the Environment and Natural Resources conducted a study on the current state of the one-call programs that identify critical underground infrastructure in Canada. The result of our study was a 20-page report, entitled *Digging Safely: One-Call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*.

Indeed, our committee realized there was a legislative gap on this issue after our study on the safe transportation of hydrocarbons by pipelines, tankers and railcars in Canada in

2013. Not long after we published our report, Senator Mitchell approached me, as chair of the committee, and suggested we dig a bit deeper into this issue. I was very receptive to the idea, and our committee agreed to embark on a new study. This, to me, was yet another sign of how collaborative and non-partisan our committees can be. I've been on this committee since my appointment in 2009, and we have always worked that way.

In our *Digging Safely* report, our committee outlined four recommendations to the federal government to improve public and worker safety and to prevent damage to buried facilities in Canada. I have no doubt that our committee's findings have provided Senator Mitchell with valuable information that convinced him of the need for legislation. In fact, one of the committee's recommendations was:

> That buried facilities on federal land be registered with a provincial or territorial one-call service; and that the federal government require anyone undertaking construction or excavation on federal land to call a one-call service, where one exists.

To my knowledge, Senator Mitchell's bill is the answer to our committee's recommendation but also goes one step further in that it also requires operators of federally regulated underground infrastructure to register with a notification centre. For example, telecommunication and cable lines are regulated by the CRTC, the Canadian Radio-television and Telecommunications Commission, so they would be required to register all of their buried assets. This bill is yet another example of how our committee studies can influence public policy.

Colleagues, as I said when we published our report:

> Damage to buried infrastructure strains public resources such as emergency response personnel and can result in economic costs, such as construction delays, repairs and traffic congestion. These incidents are an unnecessary risk to the public, a waste of economic resources and a burden on taxpayers and ratepayers.

It has been said that the cost of digging damages in Canada could be as much as $1 billion a year. These incidents could be prevented and millions of dollars could be saved. I certainly believe that Bill S-229 could help to reduce the number of underground infrastructure incidents and their negative impacts on the wider community.

Honourable senators, Bill S-229 is a good first step in mapping Canada's underground infrastructure, but it does not cover everything. A lot of the infrastructure falls under provincial and territorial jurisdictions. While notification centres exist in many provinces, including British Columbia, only Ontario has legislated for a non-profit, single-point-of-contact call system for all underground infrastructure services in that province. Its one-call system ensures that homeowners, surveyors and contractors are made aware of any and all underground utilities at the location of a dig. In B.C. and Alberta, for example, oil and gas pipelines must be part of the provincial one-calls. Other facilities or utilities may also join, but it is not mandatory for them. Clearly, the management of underground infrastructure is inconsistent across the country.

Bill S-229 will allow us to further debate this very important issue, and I am hopeful that it will encourage other jurisdictions to follow suit and make it mandatory for any operator or owner of buried infrastructure, big or small, dangerous or not, to register with a one-call notification centre.

In conclusion, I want to thank Senator Mitchell for taking the time to introduce such an important piece of legislation. I strongly believe that this bill deserves cross-party support and should be referred to committee for further debate.

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

Hon. Senators: Question.

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

(On motion of Senator Mitchell, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk, for the second reading of Bill C-210, An Act to amend the National Anthem Act (gender).

Hon. Michael L. MacDonald: Honourable senators, I rise to speak to Bill C-210, an Act to amend the National Anthem Act (gender). The purpose of this bill is precise and straightforward, to ostensibly make the national anthem gender neutral by removing the phrase "all thy sons command" and replacing it with "all of us command."

The supposed principle behind this bill is inclusion. We must examine these assertions thoroughly. Let me put on the record that I am not against the idea of changing words in the anthem if I believe them to be appropriate and grammatically correct and if the changes represent a sincere response to measured public demand. As my colleague and sponsor of the bill in this place Senator Nancy Ruth accurately stated in her speech, this is not the first time the words have been altered, but it must be remembered that changes incorporated in the National Anthem

Act of 1980 were primarily meant to remove repetitive phrasing from the text of "O Canada" and were widely considered to be a stylistic improvement.

• (1630)

Both Senators Nancy Ruth and Tardif referred to the supposed original opening lines of the English anthem and argued that this proposed new version would be more consistent with the intent of the author, Stanley Weir.

But there is no definitive proof of this, and as Senator Cools observed in her fine speech on this topic, Mr. Weir's family has 1908 documents in his own handwriting, showing the opening lines as they presently exist. Besides, Stanley Weir was fine-tuning the words himself before and during the First World War, which should prove evidence enough that his intent was not to stick with the purported original. In any event, this argument is moot — the only version that has ever been sung publicly to anyone's knowledge, including the 1980 changes, is the one we presently sing. Its constant usage for over a century establishes its legitimacy.

There is nothing new about Canadian ambivalence regarding the national anthem. When I began school in 1960, we would usually start the day off with "O Canada." Occasionally, we would sing "God Save the Queen" in addition to "O Canada." But other times we would sing instead "The Maple Leaf Forever."

As an anthem, "The Maple Leaf Forever" had a lot going for it. Historically accurate and full of patriotic sentiment and imagery, it was written in 1867, the year of Confederation, by 37-year-old Alexander Muir, who was three years old when his family emigrated to Ontario from Scotland in 1833. A teacher like his father, he wrote the song as a tribute to the new country and published it at the urging of his friends. After an unsuccessful search for suitable music to set it to, he wrote the tune himself.

"The Maple Leaf Forever" is easy to sing a capella, it is rousing when sung by a gathering of people, and it is truly magnificent when performed by a professional choir. I invite honourable senators to listen to the Mormon Tabernacle Choir's version on YouTube. The comments on this anthem, which come in from all over the world, are revealing in their apolitical honestly. They write: "What a fabulous anthem. Why did Canada stop using this?" Or: "This anthem is absolutely lovely, much superior to 'O Canada'." Or: "This anthem seriously touched my heart when I heard it, and I am not a Canadian."

There is nothing but constant praise for the words and the music in "The Maple Leaf Forever" and virtual astonishment that its stature has been so arbitrarily reduced. But I digress.

My biggest issue with this bill, and its critically fatal flaw, is that the proposed change is grammatically incorrect. Let's break the language down. "All thy sons command" is a phrase that is both possessive and plural. "Thy" is an archaic word and a possessive pronoun from Middle English, which in modern English means "your" and is the plural of "thou," which means "you."

Although it is archaic, "thy" is still proper English, and it was no less archaic in the early 20th century than it is today.

"Sons" is a plural noun and "thy sons" is the plural possessor of "command." If you are going to change this phrase in the proposed manner, you must replace it with a pronoun that is both plural and possessive. Although "us" is definitely plural, it is an objective and not a possessive pronoun. So if you use "us" as your substituting pronoun, not only is it grammatically wrong, but you also change the meaning and intent of the language.

The proper and only acceptable pronoun substitution for the phrase "All thy sons command" is "All of our command." The use of "our" conforms to the use of the rules of English language, as "our" is a plural possessive pronoun, which is required for this change. This is not opinion. This is fact.

In light of this irrefutable truth, it is simply unacceptable for the government to ask the Senate to ignore this glaring oversight, and I for one refuse to surrender to this dumbing down of language in the national anthem of my country. To quote Churchill: "This is the sort of English up with which I will not put!"

How could such an egregious mistake be made to occur in this legislation, especially with all those deep thinkers in our government? The answer, of course, is the legislative haste and political conduct of the government in engineering this issue. The Senate must now ensure that any proposed change to our anthem receives, at a minimum, the comprehensive review it demands, something it did not receive in the other place. We must give it sober second thought, especially in light of the apparent absence of any sober first thought by its proponents in the other place.

When Senator Munson spoke on this debate, he compared it to legislation which changed Dominion Day to Canada Day in 1982. When reflecting on how this new act has been managed, I believe there are parallels, but none which give any credit to either Trudeau government. By 1982, the term "Dominion Day" had existed for 115 years. It was a distinctly Canadian designation, suggested by Sir Samuel Leonard Tilley, New Brunswick's leading Father of Confederation. Tilley read from a psalm in the *Old Testament*: "And he shall have dominion also from sea to sea."

This sentiment is echoed in Canada's Latin motto *a mari usque ad mare* — from sea to sea — and also in Canada's official and legal name, as given in the BNA Act and incorporated into our modern Constitution: the Dominion of Canada.

Yet the original and long-standing name of our national holiday was mindlessly eradicated late on a Friday afternoon with 13 MPs in the House of Commons. An hour before quitting time, MP Hal Herbert introduced his pet project, a private member's bill amending the Holidays Act which would change the name from Dominion Day to Canada Day. The people he needed to support his scheme were in the house and the fix was in. Five minutes later, the bill was pushed through all three phases of reading and was passed without a recorded vote in the House of Commons.

It was and it remains a disgraceful abuse of parliamentary authority and a terribly arrogant, selfish and thoughtless thing to do. How can we complain that young people don't know the history of their country yet say nothing when shallow people embedded in our governments treat Canadian history so poorly and perpetually attach so little value to our hard-earned and distinctive Canadian heritage?

Now we see this government going down the same road with regard to the national anthem. They held one day of debate, refused to call more than one witness to committee, then rammed it through the house in one day. There was no public input whatsoever, although many Canadians have strong opinions about this matter. We should all remember that "O Canada" became the anthem because of its use in the First World War. The Great War established "O Canada" in the minds of Canadians as our anthem, and that is why the opening lines are so significant in the national narrative.

Senator Tardif, in her speech endorsing this linguistic abomination, ironically suggested that this change was dynamically similar to the flag debate of 1964, implying that everything worked out well in the end. I won't go into the politics of the flag debate today, as that would require another speech, but at least it can be said that the flag question received a thorough hearing. There were more than 250 speeches given over a six-month period in the House of Commons. The house committee reviewing the matter held 35 extensive meetings and received over 3,500 submissions regarding the design of the new flag.

Our national anthem deserves no less respect and attention, and this Government of Canada should not be treating it, or the opinions of Canadians, in such an arbitrary and dismissive fashion. For a government so obsessed with the concept of inclusion, they exhibit very little of it when it comes to listening to the opinions of the average Canadian regarding this anthem.

Now, let's discuss this concept of inclusion. All senators who have spoken to date in favour of this proposed change claim it's necessary to make the anthem more inclusive, and that inclusivity should be the basis on which we examine the anthem.

But the very first line of the anthem's English version — "O Canada, our home and native land" — is not inclusive. Canadians who weren't born here are not included as "native land" clearly means the land of your birth. Furthermore, when an earlier Trudeau government changed the anthem in 1980, they added the words "God keep our land glorious and free." That also is not inclusive, and although I take no issue with that revision, like a lot of Canadians at the time, I instinctively felt this wording to be an overt Americanization of our anthem.

Another problem with this bill is its assumption that the English language anthem is the only one that matters. But the French version of the anthem is also the original one, and it has never been altered. Why should one official version of the anthem be exempt from re-examination? I have always appreciated, and actually preferred, the French language version of "O Canada." It reflects a confident and triumphal French Canada in the last decades of the 19th century, imbued with the muscular Christianity practised throughout the British Empire of the era and fortified by its Catholic faith. It is about as politically incorrect as you can get, and that's just the first verse!

• (1640)

The song is riddled with references to God, faith, church and race. I won't go into the various sentiments articulated throughout the several French verses, save to say that the French version of "O Canada" would have a hard time today getting the social justice warrior seal of approval. It is, without question, an ethnic French Canadian, Catholic, nationalist battle hymn, certainly non-inclusive, yet I am not offended. It is just part of Canada's history in song. As far as I'm concerned, they should leave it alone forever. But if our new-age censors can leave it alone without a second thought, how then can the phrase, "All thy sons command" be considered excessively problematic?

Nonetheless, if inclusion is the argument for changing the words of the anthem, you have to uniformly apply the principle. You can't just change one line and ignore similar issues in other lines. In addition, both the English and the French language versions must also receive the same type of scrutiny, as both are, in law, the official anthems of the country.

A number of senators have also suggested that gender-neutral wording would better reflect the original French version, but just how accurate is that assessment? The opening lines of the French version, "Ô Canada! Terre de nos aïeux," is said to be gender neutral, but *aïeux* has many meanings, depending on the context. Yes, it can mean ancestors, but it can also mean forbearers or grandfathers. However, its most common application, and certainly the sentiment intended by the author, Adophe-Basile Routhier, is "O Canada, land of our forefathers." While the word "forefathers," like the word "mankind," can have generalized, inclusive meaning, the word "forefathers" in English is just as gender specific as the word "sons." The gender-neutral claims about the French version simply do not hold up upon examination.

However, I am not insensitive to the sincere wishes some people might have to alter the anthem. Are there other truly Canadian options we can consider that will fulfill the desire to achieve gender neutrality and inclusion? Honourable senators, I bring to your attention that there was an earlier version of "O Canada" produced in another language besides English and French. This was the Scottish Gaelic version of "O Canada." Most Canadians are completely unaware that from the 1780s until the late 1930s, a period spanning 150 years and three centuries, Scottish Gaelic was the third-most-common European language spoken in what is today Canada. At the time of Confederation, it was the most commonly spoken minority language in English-speaking Canada. It was the first language of both Sir John A. Macdonald and Alexander Mackenzie, who served as our first two prime ministers for almost a quarter century. My grandparents all spoke Gaelic. Growing in up in the Cape Breton of the late 19th century, when over 80 per cent of the island spoke it as their first language, my father never spoke English until he went to school. Senator Cordy is a Cape Bretoner, a MacKinnon by birth, and both of her parents spoke Gaelic. There were many Gaelic-speaking areas in Ontario in particular, with a very large community in Glengarry County, and many other pockets across the country in all provinces, including Quebec.

Norman Murray of Ontario was the author of the Scottish Gaelic version. He captured the spirit of the original French version when he wrote *O Ceanada!, An taobh tuath treubhach coir; Crun air do cheann, de dhuilleag dhearg 's or*.

Some Hon. Senators: Hear, hear!

Senator MacDonald: Translated into English, it reads "O Canada, Northern land, so gallant and fine, your head is crowned with leaves, of red and gold." Isn't that beautifully

expressed? It is so poetic and gentle, reflective, colourful and unmistakably Canadian. In addition, it is both gender neutral and inclusive. In short, it's got it all. I say we go with this!

The Hon. the Speaker *pro tempore*: Senator MacDonald, do you require more time?

Senator MacDonald: Might I have five minutes?

Some Hon. Senators: Yes.

Senator MacDonald: Maybe we should hold a referendum so Canadians can choose between the Scottish Gaelic version and the present anthem. That should settle the matter.

However, perhaps a better solution is to keep the anthem intact. I endeavour to be open-minded to change, so I asked female family members, neighbours, friends and associates what they thought of the proposed change, and their overwhelming response is that the government should drop the idea. Sometimes we should just leave well enough alone. The point is, we can all pursue narrow, personal agendas if we wish, but I know the anthem is not just about me, and I respectfully suggest to others it's not just about you. The anthem is part of our collective historical inheritance and is a contribution from another era which helped shape the Canada that exists today. I trust that a century from now, our Canadian descendants will show respect and appreciation for the contributions made to Canada by our generation. But respect is a two-way street, and we must also remember to regard the contributions of those that came before us with the same respect we hope to receive from those that will come after us.

Earlier I mentioned three criteria which I felt had to be satisfied before changing the anthem could be justified. In two of these cases, the necessity of proper grammar and the need for real public demand, the government's legislation completely fails. The grammar is obviously faulty, and there is no significant public demand to modify the anthem. It is but another now-all-too-familiar example of levelling our history down to the lowest common denominator, of treating our Canadian heritage as something to be disposed of at the drop of a hat and at the whim of a few.

The government's attitude appears to be, "We'll change it because we can," but I submit that such an attitude is both unfair and inappropriate. Canadians have to be given a fair, comprehensive and, in the spirit of our present government, inclusive say in the matter.

So what should the Senate do with this legislation? I remind all honourable senators, and particularly our new independent colleagues, that this is not government legislation but a private member's bill. This is not a money bill or an act affecting the Criminal Code. This is not a confidence matter, and the Senate should not be reticent in defending and preserving the heritage of Canada. I ask, if the senators of Canada are not prepared to defend the heritage of this country, just who in present-day Ottawa is going to defend it? The Senate is the last parliamentary bastion for the people, and we must stand firm to ensure the preservation of our rich, unique and genuine historical legacy.

Since the Charter of Rights was enacted in 1982, Canadians have witnessed an increasingly interventionist Supreme Court, with appointed judges basically rewriting law according to their wishes. While often their judgments can definitely be questioned, no one questions the legitimacy of their actions because they are appointed. This Senate is an appointed body as well, but it is just as legitimate in law as any appointed court, and we should feel free to judge this legislation with the full authority granted to us under the Constitution.

Usually the Senate would send bills to committee after second reading, but this bill is badly flawed because the government spent so little time considering it. It is not deserving of that next step. It is the Senate's responsibility to return bad legislation back to the House of Commons. The government changed two words in the anthem yet was oblivious to the fact that they got the grammar wrong. They were completely inept with this file. Senator Hubley has recently initiated an inquiry on the state of literacy in Prince Edward Island. Perhaps it should be expanded to include Ottawa.

Some Hon. Senators: Hear, hear!

Senator MacDonald: This bill should not go to committee. This bill should be defeated in its present form. The Government of Canada has been incredibly sloppy in handling this legislation, consequently botching the language, and should be held fully accountable. If the government is serious about this matter, they should treat it seriously and bring forth a government bill which exhibits due diligence.

Senators should not accept, condone or approve bad grammar. We should be embracing literacy, not undermining it, and we certainly should not be incorporating faulty grammar into our national anthem.

Senators are the designated elders of Canada, privileged to sit in the upper house of this great nation, and we should conduct ourselves accordingly. Canadians will understand and be in agreement if we exercise our constitutional authority and stop this bill now, and they will thank the Senate for its leadership on the issue. I strongly urge all honourable senators to do what the country wants and vote against this poorly drafted and insupportable legislation.

Thank you, honourable senators, for your time and attention.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: The senator needs more time. He's taken five minutes already. Do you want to give him an additional five minutes for questions?

Hon. Senators: Agreed.

Hon. Claudette Tardif: Will my honourable colleague accept a question?

Senator MacDonald: Yes.

Senator Tardif: Would you agree that in older English often we have to flip the sentence around in order to better understand the meaning? So in this case, "O Canada . . . True patriot love in all thy sons command," would become "O Canada, command true patriot love in all thy sons." The sentence then breaks down as follows: The subject is "Canada." The verb is "command." The direct object is "true patriot love" and the prepositional phrase is "in all thy sons command." We need therefore to replace the noun in the propositional phrase with another noun.

• (1650)

Would you not agree, senator, that you have mistaken "command" to be a noun rather than a verb and "thy sons command" as in "all they sons command" should not be replaced with "our" because then it becomes an adjective? Would you not agree?

Some Hon. Senators: Hear, hear!

Senator MacDonald: No, I would not agree. I think the argument I made is succinct, it's backed up by the English language, and you are taking the words and twisting them around.

Some Hon. Senators: Oh, oh!

Senator MacDonald: I am taking the language in the first lines and reading them as they read out in the first lines. "All thy sons command" is a possessive plural phrase and the substitution is an inappropriate pronoun. You have to go with the pronoun I suggest.

Hon. Jim Munson: Thank you, senator, for your comments. As you know, I support this bill.

An Hon. Senator: Why?

Senator Munson: Why do I support this bill? Because it does talk about inclusion. It's simple.

What is the reticence of having this bill go to a committee? I don't like to see the new, independent senators hear — you talked almost in a demeaning way about private members' bills not being important. Private members' bills play a big role. You said this is not a government bill. This is just a private member's bill, so it shouldn't go on. We talk about a chamber of sober second thought. Why wouldn't you allow this bill at least to go to a committee to examine the pros and cons there? Then we can make a learned judgment about this bill. Thank you very much.

Senator MacDonald: Senator Munson, I said nothing at all about demeaning a private member's bill. I think you should withdraw that remark. I said nothing at all in that regard. You should not be saying that.

Second, it's not up to me to decide where it goes. It's up to all of us to decide where it goes. I don't know why you're putting the onus on me.

The Hon. the Speaker *pro tempore*: On that note, I will ask honourable senators shortly if you're ready for the question, but Senator Fraser had a question. We have a minute left.

Hon. Joan Fraser: I'm back on grammar. May I say that I disagree with Senator Tardif's interpretation of the opening lines? I think that what it really means is a statement of fact, O Canada . . . True patriot love in all thy sons thou dost command. I think that's what it means. It just leaves out, for the sake of scanning, the words "thou dost."

However, I'm puzzled by your statement that "thy" and "thou" are plural. I'm no expert in medieval English, but my mind goes back to the King James version of the Bible and phrases like "take up thy bed and walk," and "thou shalt do no murder," where "thy" and "thou" are clearly singular. I don't understand how you're arguing they're plural.

Senator MacDonald: You misheard me, Senator Fraser. I said "thy" is plural. "Thou" is the singular for "you." "Thy" is the plural for "thou." In Middle English it is.

Hon. Anne C. Cools: I thank you for a pleasing, amusing and wonderful statement. It was uplifting, actually. Many people seem not to realize the words are "O Canada, Our home and native land . . . in all thy sons command." It is the "land" that is doing the commanding. It was based on the old Celtic notion that Aboriginal peoples and many ancient peoples hope that they must be close and connected to the land. Would you agree?

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

Hon. Senators: Question.

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

Some Hon. Senators: Yes.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

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

[*Translation*]

SENATE MODERNIZATION

EIGHTH REPORT OF SPECIAL COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Moore, for the adoption of the eighth report (interim) of the Special Senate Committee on Senate Modernization,

entitled *Senate Modernization: Moving Forward (Broadcasting)*, presented in the Senate on October 18, 2016.

Hon. Claude Carignan (Leader of the Opposition) moved the adoption of the report.

He said: Honourable senators, I am pleased to contribute to the debate on the modernization of the Senate, particularly the issue of broadcasting the debates of the Senate.

A few years ago, we began modernizing our institution to make it more effective, more transparent, and more accountable to Canadians. The Modernization Committee has been working to that end. However, I would like to remind you, dear colleagues, that several changes have been made to how our institution operates.

Our Rules have been revised, Communications has been revamped from top to bottom, and our code of ethics is now one of the most stringent in the world. We have put in place the most advanced expense reporting mechanisms in Canada. We have established a one-of-a-kind independent arbitration system to resolve disputes concerning expenses. The rules for expenses have been clarified and further clarifications will be made soon. Those are a few of the changes that we have worked on together.

Of course, we still have work to do. However, we can be proud of what has been accomplished. I would like to quote from the tenth report on Senate modernization, which deals with the Senate's mission statement.

> The Senate is the appointed Upper House in Canada's bicameral Parliament. It plays an important complementary role to the elected House of Commons by:
>
> (i) Providing independent "sober second thought" to legislation, with particular respect to Canada's national interests, aboriginal peoples, regions, minorities and under-represented segments of Canada's populations;

I completely agree with that mission statement. In order to fulfill its role, the Senate has debates, asks questions of the government, conducts studies, does research, and offers opposing points of view. The Senate plays a fundamental role in Canadian democracy and an active role in shaping our country's laws. In addition, the Senate stands up for minorities and protects the rights of the regions.

However, because the work of the Senate is not televised, unlike the work of its committees, Canadians are misinformed about the concrete action being taken by senators in shaping our country's legislative body. Canadians do not see how much discussion and debate occurs regarding bills that will affect them after they are given Royal Assent.

• (1700)

Broadcasting our proceedings will surely be a new and important step on our journey toward transparency in the Senate and in our efforts to make the public aware of senators' legislative work.

The Senate recently decided to broadcast its debates on the Internet. This initiative was part of our effort to be more transparent, and it provided us with an inexpensive, temporary solution.

However, it is 2016 and will soon be 2017, and the lack of visual exposure gives people the impression that the Senate is outdated. Let's be honest about this, dear colleagues, the Senate is archaic. We should therefore take advantage of the upcoming move to do things differently.

I have been a senator for a little over seven years, and I am often impressed by the quality of our debates. In this chamber, we work with high-calibre people with impressive records who bring great wisdom and perspective to our debates. Unfortunately, too few Canadians are able to witness these high-quality exchanges.

The televising of our debates would make our work more democratic and would certainly help people get a sense of the Senate's relevance and its members' contribution to the legislative process.

Televising Question Period, particularly when a minister is visiting, will help strengthen the government's accountability, which is a very good thing.

[*English*]

In general, our Question Period with a minister is conducted with courtesy and more thorough answers are given. Canadians would certainly gain in having access to those Question Periods. And hopefully, people, including MPs, will see that a Question Period can be conducted politely, without heckling.

The House of Commons started televising its debates in 1977. This was done following a report on the topic written in 1967. Our colleagues in the other place took 10 years to evaluate how this could be done. There were good reasons for such a long period.

Should we decide to go ahead with televising our debates, we have to make sure that our Rules are changed in order to ensure that debate is conducted with predictability and with good pace.

Our Committee on the Modernization of the Senate has proposed changes on how the Order Paper is prepared and distributed and how debates should be conducted in the chamber. These changes must be made concurrently with the arrival of television in the chamber.

I will be discussing the proposals from the committee in the next few days, but I stress the fact that such modifications must be made before we start televising our debates.

[*Translation*]

Colleagues, I will therefore support the adoption of the eighth report of the Special Committee on Modernization. We have come this far, and this stage is an important one in our efforts to make the Senate more efficient, more transparent and more accountable to Canadians.

I invite you all to support the adoption of this report as soon as possible. Thank you.

:

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*English*]

PIPELINE SAFETY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Mockler, calling the attention of the Senate to the issue of pipeline safety in Canada, and the nation-building project that is the Energy East proposal, and its resulting impact on the Canadian economy.

Hon. Douglas Black: Honourable senators, with the recent approval of the Trans Mountain and Line 3 pipelines and the rejection of the Northern Gateway project, we must now turn our attention to the Energy East project.

The Energy East Pipeline is a critical energy project that will continue to build Canadian prosperity. If the project is approved, the following people will be disappointed: those who want to keep oil in the ground no matter what the cost, and those who profit from a discounted price of Canadian crude.

I have no reservations in upsetting these people. Canadians deserve good jobs and a fair price for our resources, and this prosperity can be achieved while ensuring world-class environmental stewardship and meaningful First Nations and other stakeholder engagement.

In my remarks today, I want to discuss the pipeline, its benefits to Canada and how it can be part of the Canadian story of balancing our energy needs with our responsibilities to the environment.

The Energy East Pipeline has three main construction components along its proposed route from Alberta to New Brunswick. The first part involves converting 3,000 kilometres of existing natural gas pipeline to transport crude oil. The existing pipeline between western Saskatchewan and eastern Ontario is roughly two thirds of the entire proposed route.

The second, and the most controversial part of the project, involves building new pipelines in Alberta, Saskatchewan, Manitoba, Ontario, Quebec and New Brunswick to link with the converted pipeline.

Finally, the third part involves building associated infrastructure, such as pumps, block valves, control systems, tanks and marine facilities along the proposed route.

Energy East has been proposed to meet an urgent need in Canada's economy, namely, how do we get oil off this continent? Even with the recent approval of the Kinder Morgan pipeline expansion, there still remains a meaningful lack of access to international markets for Canadian oil.

Canada needs to ensure we have deep water access for the world's largest oil containers. These are the vessels which can sail directly to Asia and to India. Our inability to service international customers forces Canadian oil producers to sell their oil at a discounted price to the U.S., which of course translates into significant economic losses for governments, firms and families. Without Energy East, this situation will get worse as our only customer, the United States, is now self-sufficient in energy, turning them from a reliable customer into an international competitor who will set and does set the price for Canadian oil.

According to a 2014 study done by the Conference Board of Canada, Energy East will be a strong benefit to the Canadian economy. It will create thousands of jobs, increase government revenue and decrease our dependency on foreign oil. It will also take oil off the railways and greatly improve the safety of crude oil transport.

• (1710)

The economic impacts of Energy East will begin as soon as the project is approved by the federal cabinet after its National Energy Board review. The Conference Board study predicts Canada will see an additional 14,000 jobs, $55 billion in GDP and $10 billion in federal and provincial tax revenue over the first 20 years of the pipeline's operation.

There is a need in Canada for Energy East's economic stimulus. Unemployment is above the national average in Alberta, Quebec and Atlantic Canada, and there are many unemployed Canadians in these provinces whose skills and training will be in demand when this pipeline is approved.

Energy East is strongly supported by Albertans and New Brunswickers, yet we receive a minority share of Energy East's benefits. Roughly 60 per cent of all expenditures on Energy East will be spent in Quebec and Ontario. Quebec stands to gain 4,000 jobs, $5.8 billion in economic growth and $2 billion in new tax revenue. Ontario will capture the largest share of Energy East's benefits with $15.1 billion in economic growth, the creation of 2,300 direct jobs during development and construction and 6,000 spin-off jobs, plus an additional $3.5 billion for Ontario's tax avenue.

This wealth generated by the pipeline is not just numbers. It means better lives for Quebecers, Ontarians and Canadians. There can be no more "help wanted" signs in businesses directly and indirectly affected by this pipeline, such as the service industry, construction, equipment sales and hospitality. There can be more employment and resource revenue-sharing for affected First Nations communities, and Energy East will mean enhanced government revenue for schools, hospitals and community infrastructure.

It is becoming a well-established part of the Canadian psyche that, as articulated by my late friend Jim Prentice, "If you're in the energy business, you're in the environment business."

Canadians should not see a polarized choice between the economy and the environment. Indeed, instead we should see an opportunity to excel at both.

With any economic development project, whether it's a new building, a hydroelectric dam, a wind farm or even a shopping complex, there are going to be environmental impacts. The goal is to reduce those impacts, and this is what Canada is doing as we move to more energy sources with a lower carbon footprint. We need to continue to reduce the carbon emissions from oil extraction. Leaving the oil in the ground is just not realistic.

Canadians cannot suddenly switch to solar, wind or other renewable energies. This transition to a zero-carbon economy is several decades away, but we can and we are moving to a world, at least in Canada, where we can eliminate carbon emissions from the extraction of oil.

Another advantage of Energy East is that it displaces between 600,000 and 700,000 barrels of imported oil to Atlantic Canada and Quebec every day. That is 600,000 to 700,000 barrels of imported oil every day. This oil comes from countries such as Nigeria, Saudi Arabia, Algeria and others. These countries do not share the same concerns Canadians have for environmental protection, working conditions or human rights. By maintaining the status quo on the supply of oil to Eastern Canada, we are inhibiting our own economy in exchange for the growth and security of countries that do not share our values.

Honourable senators, I have spoken about the Energy East pipeline and the arguments for its construction with respect to its balance between economic opportunity and environmental pragmatism. I want to conclude with an argument from history on our first national pipeline.

Construction for the TransCanada Pipeline began in May 1956, at a time when energy shortages were common in Canada. People were having trouble heating their homes and simply getting electricity. The Canadian government proposed the TransCanada Pipeline to ship energy from one side of the country to another as a nation-building project in the name of energy security. This pipeline was also controversial, but leadership prevailed. It was built, and it has reliably and safely met the energy needs of Canadians for decades.

Throughout Canadian history, we have set other precedents for successful nation-building projects that have met our needs and our responsibilities to the environment. We think of the national railway, the St. Lawrence Seaway and other projects that have been built in Canada.

To conclude, Energy East is important to Canada. It's important to our economic growth, our commitments to the environment, and to the prosperity and opportunity for First Nations communities. Energy East is now the only pipeline project in Canada that will allow Canada to direct global access to energy markets. These are the markets we need.

Honourable senators, I hope you share the view that we should all do our part to ensure the success of Energy East's approval and completion. Our prosperity and our desire to meet Canada's social needs significantly depend upon it.

Hon. Don Meredith: Would the honourable senator take a question?

Senator Black: Absolutely.

Senator Meredith: Thank you for your eloquent speech and for recognizing that Ontario would be a great beneficiary of the Energy East pipeline.

You also raised questions with respect to environmental issues. We've heard clearly about the fact that other pipelines have gone ahead with controversy, but some have been resolved. One of the critical questions is about engagement with the indigenous people of this land. In terms of how those engagements have gone, can you enlighten this chamber as to what potential opposition there will be to this critical, important pipeline that will run from Alberta to New Brunswick? Senator Mercer wants it to land into Nova Scotia. I'm not getting into the East Coast rivalry. However, I think it's important that we look at the merits of this pipeline and the benefits to all Canadians. Can you elaborate for me on that?

Senator Black: Having had years of experience with pipeline development, I can assure you that there will be opposition. There will be opposition because there are some individuals who legitimately believe in the point of view that they will be advocating, and there will be opposition for other reasons.

I believe that the largest issues to confront on Energy East will be to ensure that the Governments of Quebec and Ontario appreciate the value that their citizens will benefit from and become advocates for the pipeline as opposed to not.

The upside for Canada, as I've indicated in my remarks, and for the Province of Ontario and Quebec are significant, not only for folks we would know but for Aboriginal communities. The upsides are huge in terms of employment and monies which will move into the communities.

Will it be easy? No, it will be extremely difficult, but that's why we need to turn our attention to it now, and that's why I'm urging every senator in this chamber to support this, which will be a difficult file.

Hon. Michael Duffy: Would Senator Black take another question?

Senator Black: Absolutely.

Senator Duffy: Senator, can you give us some idea of the kind of revenue we're talking about that is foregone by the Government of Canada every year? I read somewhere that $10 billion is foregone — ten thousand million. Does that sound accurate to you?

Senator Black: I don't know the specific numbers, but the magnitude of lost revenue to Canada is in the hundreds of billions of dollars, if you extend it over any reasonable period of time. That will only continue to grow, people tell me.

As a major owner of resources in the world, we need to be a smart owner, and we need to start getting our products to the markets that will pay the highest value.

The Hon. the Speaker: This matter will stay adjourned in the name of Senator Mercer.

Hon. Senators: Agreed.

(On motion of Senator Black, for Senator Mercer, debate adjourned.)

• (1720)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COMMITTEE AUTHORIZED TO APPROVE FUNDING FOR THE INDEPENDENT SENATORS GROUP

Hon. Larry W. Campbell, pursuant to notice of December 5, 2016, moved:

> That, notwithstanding the *Rules of the Senate* and the *Senate Administrative Rules*, the Standing Committee on Internal Economy, Budgets and Administration be authorized to approve funding for the Independent Senators Group for the current fiscal year and for the fiscal year 2017-18.

He said: Honourable senators, I rise today to try to remedy a situation that we find ourselves in. Our Rules, quite frankly, did not foresee the advent of independent senators, and we find ourselves in the position where we have a substantial number of independent senators who have become a group, and they have no way to access funding under our Rules.

The key points about the rules: In Appendix 1 of our *Rules of the Senate*, a caucus is defined as a recognized party, a caucus consisting of at least five senators who are members of the same political party. The party must have initially been registered under the Canada Elections Act to qualify for this status and have never fallen subsequently below five senators. Each recognized party has a leader in the Senate.

The *Senate Administrative Rules* further defines caucus in Chapter 5, Division 5:04, subsection 1(1):

> The leader of a recognized party in the Senate may recognize as a caucus a group of members of Parliament formed for political purposes that includes Senators or is composed exclusively of Senators.

I expect that this scenario will be dealt with in the near future with the Modernization Committee and the recommendations that they have put forward. Rightfully, modernizing the Senate is taking time, and that's perfectly understandable. By passing this motion, however, we can remedy what is a relatively straightforward issue. The Independent Senators Group consists of 33 independent senators. They have a leader, two deputy leaders, a Senate liaison and a group chair. They recognize that it is incumbent upon all caucuses and parliamentary groups to be organized in order for the Senate to function effectively. I do not believe that titles are as important as the functions that the titles execute.

Should this motion pass, it will go back to the Internal Economy Committee, where it will then be sent to the Subcommittee on Estimates to again be reviewed and have a presentation made by the leader of the Independent Senators Group. Thank you very much.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE DEVELOPMENT OF A NATIONAL CORRIDOR IN CANADA AS A MEANS OF ENHANCING AND FACILITATING COMMERCE AND INTERNAL TRADE

Hon. David Tkachuk, pursuant to notice of December 5, 2016, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, September 28, 2016, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the development of a national corridor in Canada as a means of enhancing and facilitating commerce and internal trade be extended from February 28, 2017 to May 31, 2017.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

CONTENTS

Tuesday, December 6, 2016

PAGE

L'École Polytechnique de Montréal
Commemoration of Tragedy—Silent Tribute.
The Hon. the Speaker 1955

Visitors in the Gallery
The Hon. the Speaker 1955

SENATORS' STATEMENTS

L'École Polytechnique de Montréal
Twenty-seventh Anniversary of Tragedy.
Hon. Judith Seidman 1955

National Day of Remembrance and Action on Violence Against Women
Hon. Lillian Eva Dyck 1956
Hon. Nancy Hartling 1956

Visitor in the Gallery
The Hon. the Speaker 1956

The Hamilton Declaration
Hon. Wilfred P. Moore 1957

Visitor in the Gallery
The Hon. the Speaker 1957

National Day of Remembrance and Action on Violence Against Women
Hon. Pierre-Hugues Boisvenu 1957

ROUTINE PROCEEDINGS

Study on the Steps Being Taken to Facilitate the Integration of Newly-Arrived Syrian Refugees and to Address the Challenges They are Facing
Fifth Report of Human Rights Committee Tabled with Clerk during Adjournment of the Senate.
Hon. Jim Munson 1958

Canadian Jewish Heritage Month Bill (Bill S-232)
First Reading.
Hon. Linda Frum 1958

The Senate
Notice of Motion to Affect Committee Membership for Remainder of Current Session or Until October 31, 2017, Whichever Comes Earlier.
Hon. Claude Carignan 1958

Business of the Senate 1959

ORDERS OF THE DAY

Tax Convention and Arrangement Implementation Bill, 2016 (Bill S-4)
Bill to Amend—Third Reading.
Hon. Stephen Greene 1959
Hon. Scott Tannas 1960
Hon. Joseph A. Day 1960
Hon. Donald Neil Plett 1960

PAGE

Income Tax Act (Bill C-2)
Bill to Amend—Third Reading—Debate Continued.
Hon. Frances Lankin 1960
Hon. Richard Neufeld 1961
Hon. Elaine McCoy 1963
Hon. Donald Neil Plett 1963

Budget Implementation Bill, 2016, No. 2 (Bill C-29)
Ninth Report of Banking, Trade and Commerce on Subject Matter—Debate Adjourned.
Hon. Paul J. Massicotte 1963
Hon. André Pratte 1964
Hon. Percy Mockler 1964
Hon. Joseph A. Day 1965

Speech from the Throne
Motion for Address in Reply—Debate Continued.
Hon. Patricia Bovey 1965

QUESTION PERIOD

Business of the Senate
The Hon. the Speaker 1968

Justice
Judicial Appointment Process—Court Delays.
Hon. Claude Carignan 1968
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1968
Hon. Serge Joyal 1969
Medical Assistance in Dying.
Hon. Pamela Wallin 1969
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1969
Detention in Custody.
Hon. Bob Runciman 1970
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1970
Human Trafficking.
Hon. Pierre-Hugues Boisvenu 1970
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1970
Relations between Police and First Nations People.
Hon. Sandra Lovelace Nicholas 1970
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1971
Mental Health Services for Inmates.
Hon. Murray Sinclair 1971
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1971
Mandatory Minimum Penalties.
Hon. Paul E. McIntyre 1972
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1972
Solitary Confinement.
Hon. Art Eggleton 1972
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1973

PAGE

Bilingual Judges.
Hon. Raymonde Gagné 1973
Hon. Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada 1973

ORDERS OF THE DAY

Underground Infrastructure Safety Enhancement Bill (Bill S-229)
Second Reading.
Hon. Richard Neufeld 1974
Referred to Committee 1975

National Anthem Act (Bill C-210)
Bill to Amend—Second Reading.
Hon. Michael L. MacDonald 1975
Hon. Claudette Tardif 1978
Hon. Jim Munson 1979
Hon. Joan Fraser 1979
Hon. Anne C. Cools 1979
Referred to Committee 1979

PAGE

Senate Modernization
Eighth Report of Special Committee Adopted.
Hon. Claude Carignan 1980

Pipeline Safety
Inquiry—Debate Continued.
Hon. Douglas Black 1981
Hon. Don Meredith 1982
Hon. Michael Duffy 1982

Internal Economy, Budgets and Administration
Committee Authorized to Approve Funding for the Independent Senators Group.
Hon. Larry W. Campbell 1983

Banking, Trade and Commerce
Committee Authorized to Extend Date of Final Report on Study of the Development of a National Corridor in Canada as a Means of Enhancing and Facilitating Commerce and Internal Trade.
Hon. David Tkachuk 1983

Published by the Senate

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