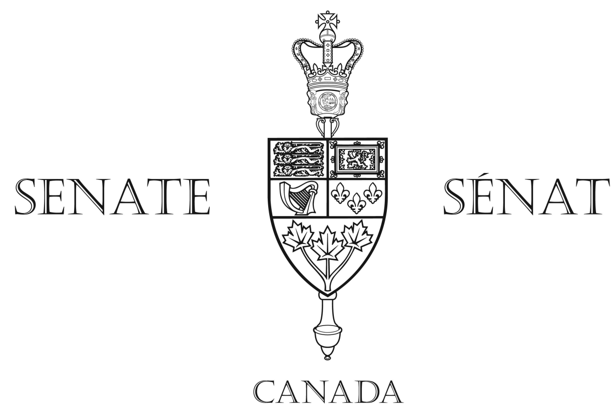

DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 135

OFFICIAL REPORT
(HANSARD)

Thursday, April 23, 2015

The Honourable LEO HOUSAKOS
Speaker *pro tempore*

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

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THE SENATE

Thursday, April 23, 2015

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

Prayers.

SENATOR'S STATEMENT

SASKATCHEWAN SPORTING HALL OF FAME

CONGRATULATIONS TO 2015 INDUCTEES

Hon. A. Raynell Andreychuk: Honourable senators, I rise to congratulate the Saskatchewan Sporting Hall of Fame class of 2015. This year's inductees include the 1985 Moose Jaw Generals AA Senior Men's Hockey Team, whose record winning streak saw them take the 1985 Hardy Cup, and the Eugene Hritzuk Senior Men's Curling Team, which in 2009 took the World Senior Men's Curling Championship.

The inductees also include five individuals. Richard White is the longest-serving president of Canadian Interuniversity Sport. Dick served more than 30 years as the Director of Athletics at the University of Regina and 15 years as the President of the Regina Association of Basketball Officials.

Another inductee is speed skater Jason Parker, whose many titles include a silver medal in team pursuit at the 2006 Olympics in Turin. In a career spanning 20 years, Jason has competed in three Winter Olympics and 75 world cups and world championships.

The third inductee is triathlete Milos Kostic, who, in 25 years of competitive running, has completed 17 half Ironman and Ironman events, 70.3 triathlons and 20 Ironman or Iron-distance triathlons. A three-time Triathlon Canada Grand Master Triathlete of the Year, Milos holds the Ironman World Championship record in the men's 65 to 69 age group.

The fourth is hockey player Cliff Koroll, who, as captain for the University of Denver, led his team to win the 1968 NCAA Men's Hockey Championship. Cliff played for the National Hockey League Chicago Blackhawks from 1969 to 1980. He later spent seven seasons as the Blackhawks' assistant coach and two as their public relations director.

Sharon Tkachuk is also being recognized as a builder in athletics for her 45-year officiating career. Sharon has refereed at four Canada Summer Games, three Commonwealth Games, and the 1983 World Student Games. In 2001, she was chief referee at the World Outdoor Championships in Edmonton. Sharon has also been a dedicated high school track and field, volleyball, softball, basketball and curling coach. She has been to Canadian junior and senior championships, the Canadian Interuniversity championships and the ParAthletic championships. Sharon has also served on the National Council of Fitness and Amateur Sport, the board of Saskatchewan Athletics, the Bob Adams Foundation and many others. She is also well known to students whom she has taught and nurtured.

The other inductees will no doubt understand if I point out that Sharon is part of the parliamentary family. Her husband, Senator Tkachuk, is justifiably proud of her, and we join him in that.

Hon. Senators: Hear, hear.

Senator Andreychuk: I invite all senators to congratulate this year's Saskatchewan Sporting Hall of Fame inductees. Their contributions to athletics and to Saskatchewan are a source of pride to their province and to Canada.

Hon. Senators: Hear, hear.

[*Translation*]

ROUTINE PROCEEDINGS

ROYAL ASSENT

NOTICE

The Hon. the Speaker *pro tempore* informed the Senate that the following communication had been received:

RIDEAU HALL

April 23rd, 2015

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 23rd day of April, 2015, at 4:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Larry W. Smith, for Senator Furey, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 23, 2015

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FOURTEENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2015-2016.

Banking, Trade and Commerce (Legislation)

General Expenses	$7,165
Total	**$7,165**

Scrutiny of Regulations (Joint)

General Expenses	$3,000
Total	**$3,000**

Respectfully submitted,

GEORGE J. FUREY
Deputy Chair

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

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

MAIN POINT OF CONTACT WITH THE GOVERNMENT OF CANADA IN CASE OF DEATH BILL

TWENTIETH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 23, 2015

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTIETH REPORT

Your committee, to which was referred Bill C-247, An Act to provide that the Department of Employment and Social Development is the main point of contact with the Government of Canada in respect of the death of a Canadian citizen or resident, has, in obedience to the order of reference of Wednesday, February 18, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

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

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

• (1340)

CANADA PENSION PLAN OLD AGE SECURITY ACT

BILL TO AMEND—TWENTY-FIRST REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 23, 2015

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-FIRST REPORT

Your committee, to which was referred Bill C-591, An Act to amend the Canada Pension Plan and the Old Age Security Act (pension and benefits), has, in obedience to the order of reference of Wednesday, February 18, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN K. OGILVIE
Chair

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

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

[*Translation*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON NON-RENEWABLE AND RENEWABLE ENERGY DEVELOPMENT IN NORTHERN TERRITORIES—TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. Paul J. Massicotte, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 23, 2015

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

TWELFTH REPORT

Your committee, which was authorized by the Senate on Tuesday, March 4, 2014 to examine and report on non-renewable and renewable energy development including energy storage, distribution, transmission, consumption and other emerging technologies in Canada's three northern territories, respectfully requests funds for the fiscal year ending March 31, 2016.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PAUL J. MASSICOTTE
Deputy Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 1768.*)

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

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

STUDY ON USER FEE PROPOSAL

HEALTH—EIGHTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Claudette Tardif: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Agriculture and Forestry, on Health Canada's user fee proposal respecting pesticide cost recovery.

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

ABORIGINAL PEOPLES

BUDGET—STUDY ON CHALLENGES AND POTENTIAL SOLUTIONS RELATING TO FIRST NATIONS INFRASTRUCTURE ON RESERVES—NINTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Glen Patterson, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 23, 2015

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on Tuesday, February 25, 2014, to examine and report on challenges and potential solutions relating to First Nations infrastructure on reserves, respectfully requests funds for the fiscal year ending March 31, 2016.

Pursuant to Chapter 3:06, section 2(1)(*c*) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DENNIS GLEN PATTERSON
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 1774.*)

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

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

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That, for the purposes of its consideration of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations), the Standing Senate Committee on

> Legal and Constitutional Affairs be authorized to meet from 3:00 p.m. on Wednesday, April 29, 2015, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore***:** Honourable senators, I wish to draw your attention to the presence in the gallery of participants in the Parliamentary Officers' Study Program.

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

Hon. Senators: Hear, hear!

QUESTION PERIOD

OFFICIAL LANGUAGES

BUDGET 2015—LINGUISTIC DUALITY

Hon. Claudette Tardif: Honourable senators, my question is for the Leader of the Government in the Senate.

Mr. Leader, something is conspicuously absent from the federal budget tabled on Tuesday, April 21, the French version of which is 588 pages long and the English version of which is 518 pages long. Unfortunately, there is no mention of linguistic duality or official languages in the budget. It contains no funding or new measures for minority francophone communities or English Quebecers.

Mr. Leader, the government has a constitutional obligation toward official language communities. Members of the francophonie in minority communities have strongly expressed their disappointment at this omission from the budget. Even young people are concerned.

Here is what the president of the Fédération de la jeunesse canadienne-française said:

> Like our comrades in the Canadian francophonie, we think it is a great shame that the francophonie, linguistic duality and official languages are not mentioned in the budget.

Mr. Leader, why didn't the government choose to enhance the services, structures, organizations and institutions that enable our people to carry on their lives in their official language in their own community?

Some Hon. Senators: Hear, hear!

Hon. Claude Carignan (Leader of the Government): Thank you, senator. As you know, we have increased spending in support of the francophone community to over $600 million per year. That amount is three times higher than it was in 2006. Our government adopted the roadmap and has invested more than any other in bilingualism and the francophone community.

• (1350)

We have also worked extensively with francophones around the world to support francophone immigration to Canada, and we will continue to stand up for linguistic duality and ensure that our francophone minority communities flourish.

Senator Tardif: Leader, there is absolutely no mention of funding for literacy in the budget. However, you know that the demand for literacy programs is on the rise and that such programs are becoming less and less accessible for francophone minority communities. You also know that this situation is having a negative impact on their economic and social well-being.

Members of the Réseau pour le développement de l'alphabétisme et des compétences recently reported that francophone minority communities desperately need funding.

In fact, the organization could close its doors because of a lack of funding. In 2013, the government stopped funding provincial and territorial associations.

Leader, why is funding for literacy, a key factor in the development of francophone minority communities, not in this budget?

Senator Carignan: Senator, as I mentioned earlier, we recognize that official language communities contribute to the cultural, social and economic vitality of our society. That is why the $1.1 billion allocated under our government's Roadmap for Official Languages is the most comprehensive investment in official languages in Canada's history.

There is no question about that. The Roadmap for Canada's Official Languages 2013-2018 involves 14 federal institutions, which are implementing 28 initiatives in different sectors. Senator, our commitment to the official languages is unwavering.

As you know, Minister Glover will continue to ensure compliance with the Official Languages Act. You have a clear commitment on the part of the government through our roadmap, which has been very well received throughout the francophone community. This is 2015, and the roadmap covers the period from 2013 to 2018.

CITIZENSHIP AND IMMIGRATION

FRANCOPHONE IMMIGRATION

Hon. Claudette Tardif: Perhaps you need to review your roadmap regarding the amounts transferred to the provinces and territories every year for minority language education.

The amount provided in 2007-08 was $258.597 million for the new roadmap. From 2009 to 2012, the amount granted was the same, $258.597 million, in other words, a zero increase. During the next phase, the roadmap for 2013 to 2018, the amount is $259,558,277, which is an increase of less than 0.4 per cent. Indeed, the amounts are not as impressive as you claim, and the numbers you are giving us are misleading at best.

In any case, I would like to come back to the issue of francophone immigration, which is a major challenge for our francophone minority communities. So far, the Express Entry program still does not include a francophone component. Furthermore, given that the Francophone Significant Benefit Program was cancelled last fall, the situation has become problematic for many immigrants.

Francophone communities were expecting a firm commitment in the budget to help promote francophone immigration. I would like to quote the executive director of the Fédération des communautés francophones et acadienne, who had this to say:

> We were hoping for a coherent plan for immigration, with something specifically for the francophone community, but there is nothing like that in this budget . . .

The Société de l'Acadie du Nouveau-Brunswick criticized the lack of funding. It said, and I quote:

> The government says that immigration is important, but the budget does not reflect that view. That is worrisome. We count on our governments to ensure that francophone immigration is not just something people talk about, but something that really gets support.

Can the Leader of the Government explain why the government avoided any mention of funding for francophone immigration?

Hon. Claude Carignan (Leader of the Government): We committed to promoting francophone immigration across Canada through our permanent immigration programs. What is more, most applications filed under the Express Entry system, which you mentioned, are processed in six months or less.

Last year alone, Canada welcomed 1,436 francophone immigrants outside Quebec through its permanent economic immigration programs. Our government set a goal of increasing the number of francophone immigrants who settle outside Quebec to over 4 per cent of all economic immigrants by 2018.

Senator, you are familiar with the Francophonie. There is no need to remind you that after France, Canada has the largest French-speaking population of the Western countries. Canada has the fifth-largest French-speaking population in the world. To attract francophone immigrants, we committed to promoting francophone immigration, and we are going to continue to do just that.

Furthermore, our participation in international Francophonie organizations is a great opportunity to attract even more francophone immigrants to Canada.

Senator Tardif: I support and applaud the fact that the government set a target of 4.4 per cent for francophone immigration. However, resources are needed. It is not enough to say that we support that goal. We need to know what resources there will be to help us meet it.

Senator Carignan: In Canada, more than $600 million is spent every year on francophone immigration settlement services, and that spending has tripled since 2006. What is more, since 2008, we have helped create 163 new points of service for francophone immigrants in an effort to improve communities' ability to receive immigrants and facilitate their integration.

Moreover, as part of the Roadmap for Canada's Official Languages 2013-2018, Citizenship and Immigration Canada has invested $29.4 million to support official language minority communities.

We are also investing $120 million in helping economic immigrants acquire the official language skills they need to live and work in their new community. I don't think it is fair to say that the resources are lacking, senator, since the government's actions prove that it is putting its money where its mouth is.

OFFICIAL LANGUAGES

BUDGET 2015—LINGUISTIC DUALITY

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Leader, like my colleague, I did not find a single mention of "linguistic duality" in Economic Action Plan 2015.

Furthermore, no economic initiatives are planned for Canada's francophonie or its official language minority communities. However, as you know, in 2013, the Conference Board of Canada released a study entitled, *Canada, Bilingualism and Trade*.

• (1400)

I would like to read a few quotes from that report.

Here is the first quote:

> By using two separate empirical techniques . . . we were able to estimate how much proficiency in French has boosted trade between Bilingual Canada and French-speaking countries.

Here is the second quote:

> Using location quotients and using 2011 as an example, we determined that Bilingual Canada's knowledge of French boosted exports by US$1.7 billion and imports by US$7.2 billion. Taking the geometric mean, we see that Bilingual Canada's proficiency in French boosted average bilateral trade by US$3.5 billion in 2011.

Here is another conclusion from the report:

> . . . we would expect Bilingual Canada's trade with French-speaking countries to be more than 65 per cent higher than with countries that do not speak French.

Leader, my question is therefore as follows: Why doesn't your government's Economic Action Plan include an initiative targeting the Canadian francophonie to demonstrate and support the economic advantages that official bilingualism and linguistic duality give all Canadians?

Why didn't you include that kind of initiative, Leader?

Hon. Claude Carignan (Leader of the Government): As I explained earlier in response to Senator Tardif's question, I think that the immigration element answers your question at least in part.

With respect to the trade element, as you know, our government is working closely with key players across Canada, including representatives of francophone communities, employers, service providers and provincial and territorial representatives.

Obviously, increased trade with francophone countries is a key element. Need I remind you or point out again how proud we are of the agreement we have ratified with the European Union, which represents approximately 80,000 new jobs for Canadians and half a billion new customers for Canadian businesses? As an important European partner, France was a key player, and the language of this country that is so close to ours, the French language, was a contributing factor in establishing closer ties with the European Union.

You can also rest assured that our trade representatives always promote the fact that Canada has a bilingual workforce in order to attract foreign investment.

These factors are always taken into account in trade, and employers are aware of this.

Senator Chaput: Leader, I don't understand. I appreciate the nice things you just said. However, why not include an initiative for the Canadian francophonie in Economic Action Plan 2015 since there are already good things happening according to statistics from the Conference Board of Canada? Why not include an initiative in your action plan to show all Canadians that the francophonie is the best vehicle for developing an even stronger economy?

Furthermore, leader, why didn't your government also include measures to promote francophone immigration in this action plan? It would make sense because a bilingual Canada trades more with francophone countries than a unilingual Canada.

Why not take an initiative to support and help reach the target for francophone immigration to Canada?

Some Hon. Senators: Hear, hear!

Senator Carignan: Senator, in response to your question, I'm going to repeat an answer I gave to Senator Tardif earlier, whose question was on exactly the same topic: francophone immigration and support for settlement services. I would like to reiterate that Canada has invested over $600 million a year in francophone immigration settlement services, an investment that has tripled since 2006. I'm sure I don't have to remind you what government was here before us, in 2006.

Since 2008, we have helped create 163 new service points for francophone immigrants in order to improve communities' ability to receive immigrants and facilitate their integration. This has all been thanks to the Roadmap for Canada's Official Languages 2013-2018. We are about at the midpoint in the roadmap. Citizenship and Immigration Canada has invested $29.4 million to support official language minority communities, and we are investing $120 million to help economic immigrants, specifically, acquire official language skills, which they will need to work and integrate into their new communities.

Senator, I think you should be congratulating the government, and if there are any studies like the one you referred to that can illustrate, with numbers, the importance of francophone trade or linguistic duality, it is probably the result of our government's investments, which are beginning to be measured by studies.

Senator Chaput: I have a supplementary question.

Leader, the entire francophone community in Canada and I would have appreciated seeing everything you just said reflected in the Economic Action Plan that you developed and presented for our country.

Right now, in this economic development plan, there is absolutely no mention of the Canadian francophonie. It's as though we have just one language in Canada and that language is English. I would have liked to see something about linguistic duality in your action plan. Unfortunately there is nothing.

Thank you very much, Leader.

Senator Carignan: I hear you, senator, but since you know our action plan and I told you about the essential measures in this action plan and our roadmap, I'm counting on you to continue talking to the community about it and extolling the virtues of our action plan.

Senator Chaput: Leader, I'm counting on you to pass along my concerns to your government. Thank you very much.

CITIZENSHIP AND IMMIGRATION

FRANCOPHONE IMMIGRATION

Hon. Claudette Tardif: Mr. Leader, in response to Senator Chaput, you said that your government had invested $600 million to create 163 centres across the country to promote the integration of immigrants. However, if we want to have integration, we need to have immigrants.

The Express Entry system is being used now. Since January, more than 22,000 applications have been placed in the Express Entry pool. When Minister Alexander appeared in the other place, he indicated that among these candidates there were just 200 francophones — 200 out of more than 22,000 applications. Employers don't know that, and immigrants who are applying don't necessarily know either.

Unless we incorporate a francophone lens into the Express Entry system, we'll never meet the targets you have set.

Some Hon. Senators: Hear, hear!

• (1410)

Hon. Claude Carignan (Leader of the Government): I didn't hear the question, but I imagine there was one in the senator's comments.

Senator Tardif: Why?

Senator Carignan: I will continue to answer the senator by saying that our target is over 4 per cent of all economic immigrants by 2018. Our government's concrete actions, particularly the Roadmap for Canada's Official Languages 2013-2018, as Senator Mockler points out, show that everything is being done to meet that target.

Senator Tardif: I will repeat the question, since I didn't state it clearly. I thought the question was obvious. I know that you are a man who understands subtlety, Senator Carignan.

The question is: Why not include a francophone lens if we really want to attract francophone immigration? With only 200 francophones among the more than 20,000 applicants so far, we are not going to get the number of immigrants we need. Why not include such a lens, which would clearly address this need?

Senator Carignan: Senator, as I said, last year alone we welcomed 1,436 francophone immigrants outside Quebec through our permanent economic immigration program. Specific measures are being taken. You talked about the $600 million spent annually, an amount that has tripled since 2006. Since 2008, we have created 163 new points of service for francophone immigrants in order to improve communities' ability to welcome them.

The tools and the means are in place to attract francophone immigrants and integrate them into our communities.

INTERNATIONAL TRADE

DISPUTE SETTLEMENT MECHANISMS

Hon. Céline Hervieux-Payette: Honourable senators, my questions for the Leader of the Government deal with an issue that is slightly different but still related.

[*English*]

On April 14 and 16, six European parliamentary committees drafted opinions rejecting the arbitration clause currently part of the deal resulting from the EU-U.S. trade negotiation. These committees include economic and monetary affairs, legal affairs, employment, environment, petitions, and constitutional affairs.

This arbitration clause is the same investor-to-state dispute settlement system included in CETA. In Europe, opposition to investment arbitration and trade agreements is strengthening day by day. This is no longer a position solely adopted by politicians opposed to trade; it now includes pro-trade parties as well. All critics of the investor-to-state dispute settlement mechanism have declared support for an international investment court, which does not exist now. Yet, in Canada, we have no discussion about such an initiative. Instead, we are told to accept the CETA investment arbitration rules or else risk losing trade opportunities.

Does the Harper government, in light of these developments in Europe, believe the best solution for Canadians would be the creation of an international investment court?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, dispute settlement through international arbitration in free trade agreements does not restrict any level of government from legitimately legislating in the public interest. Canadian and foreign investors are bound by the same Canadian laws and regulations with respect to environmental, labour, health, building and safety standards. Nothing in any of Canada's free trade agreements exempts foreign service providers from Canadian laws and regulations.

Canada and the European Union negotiated a comprehensive chapter on investment that provides a high degree of protection for investors while maintaining governments' right to regulate in the public interest. I would like to remind you that during her recent visit to Canada, Chancellor Angela Merkel stated that Germany supports this agreement and that she hopes it will take effect as soon as possible. Minister Fast went to Europe a few months ago, and he heard a lot of good things about the agreement. Trade missions from the European Union are excited about the idea of doing business with Canada. This agreement is good for Canada and good for the European Union, and I hope that you will support it.

Senator Hervieux-Payette: Let me tell you that when it comes to international politics, the situation is not static.

[*English*]

Cecilia Malmström, EU Trade Commissioner, has announced support for creating a permanent investment court to replace the investor-to-state dispute settlement mechanism. At a meeting on March 18, this year, with members of the European Parliament, she declared, "I have already instructed my staff to start working towards it. It seems that the European Union is determined to see an end to investor arbitration."

My question is this: Is the federal government interested in participating in these efforts to create an international investment court facilitating the ratification of the 28 EU member states to CETA and not just Madam Merkel?

[*Translation*]

Senator Carignan: As I have said numerous times, the resolution of disputes between investors and states is part of the agreement with the European Union. This agreement will create jobs, as I said earlier in response to Senator Chaput. It will promote trade, particularly for the francophone community. It is good for Canada and good for Europe, and we hope that it will be approved as soon as possible.

Senator Hervieux-Payette: I would like to make another attempt to remind you that nothing is set in stone. We have an agreement, CETA, which is not in force. We could improve it to facilitate ratification by European Union countries that might be hesitant to implement the agreement.

[*English*]

Given the fact that both the President of the European Commission and half the European Parliament would prefer an investment court over arbitration, I think it is definitely possible to sit down with the Europeans and make some changes to CETA to allow for the development and immediate adoption of an international investment court.

How does your government plan to collaborate with the European Union for the implementation of an international investment court which would protect the democratic system and the all the rights that Canadians expect from their Parliament?

[*Translation*]

Senator Carignan: Senator, as I said, the agreement with the European Union will benefit Canada and the European Union.

We hope that it will be ratified as soon as possible.

ORDERS OF THE DAY

JOURNEY TO FREEDOM DAY BILL

MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War, and acquainting the Senate that they have passed this bill without amendment.

• (1420)

[*English*]

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Maltais, for the second reading of Bill C-2, An Act to amend the Controlled Drugs and Substances Act.

Hon. Joseph A. Day: Honourable senators, I'd like to join in the debate on Bill C-2, An Act to amend the Controlled Drugs and Substances Act, which is at second reading, which I understand is at the principle stage. That's the way that I have looked at the bill: from the point of view of the basic principle and purpose for the bill.

We need to ask ourselves, in first looking at the legislation: Is the bill necessary? What are we trying to achieve with this bill? Is it a public safety issue? Is it a health issue that we're attempting to deal with? Is it a political issue?

If we look at the working title of this bill, "Respect for Communities Act," it's about respecting our communities, which implies safety, but the bill amends the Controlled Drugs and Substances Act, which is public health legislation. Before we pass the legislation, it's necessary for us, therefore, to balance the health and safety issues that are in this bill and that this bill is directed toward.

The government has told us that the bill is necessary because drugs destroy lives, tear families apart and make our communities less safe. So that's a safety argument for the legislation.

No one in this chamber questions the dangers and harm of drug abuse. Whether or not this legislation is necessary to make our communities safer, as the short title implies, is another matter.

The bill amends that portion of the Controlled Drugs and Substances Act that establishes a safe injection or supervised consumption site, a place where drug addicts may go for safe, clean and supervised injection. There are nurses in attendance to help the drug addicts. There is no discrimination. There is no discussion as to why you are an addict: "Can't we get you off this?" That's for another spectrum of the war on drugs, if you will, on the drug problem that we have in society as a whole.

There is a whole spectrum different from the laws that relate to drug use and the spillover with respect to organized crime in relation to the sale and production. That whole spectrum moves along to where we are, in saying that we're not dealing with all the problems and the harm that drug use brings to society. What

we're saying is that there are those who are addicted. Let's recognize that, and we'll treat and help those individuals in their habit until they are ready to move away from that particular harmful activity.

This is a place where drug addicts may go for safe and clean injections. The location is authorized by an exemption under section 56 of the act, even though the substance being injected is illegal, and we recognize that.

"Insite" is the name of that particular entity in Vancouver. It has received recognition under section 56 of the Controlled Drugs and Substances Act to offer this service to individuals who are addicts. I would like to provide a bit of background and history of Insite, this particular organization, and how this issue that's before us came about.

Insite received permission to operate in September 2003. It received at that time a three-year exemption under section 56. It was North America's first government-sanctioned, safe consumption site, although such sites were already in operation in Europe and Australia at that time.

Insite has been very successful. Each day, 800 users go to that facility. These are 800 individuals who, if they didn't go there, would be injecting in the streets; they would be in the alleys or in the doorsteps of closed shops, injecting. That's 292,000 per year, honourable senators.

Not one death has occurred as a result of an overdose within Insite, and that is because there are people in the entity, in Insite, who know how to deal with an overdose. We all know that overdoses do happen. They certainly happen on the streets, and the addicts often die from those overdoses. The statistic with respect to drug addicts who die from overdose is staggering. At Insite, where professionals are present, since 2003, with almost 300,000 addicts per year, there has not been one death as a result of an overdose. I think that's a very telling, positive factor to take into consideration.

Insite, in 2008, asked for an extension of their exemption to operate. It was denied by the minister, leading to a court process that finally ended up in the Supreme Court of Canada in September of 2011. The Supreme Court of Canada stated that the actions of the Minister of Health violated the Charter of Rights and Freedoms under section 7 and ordered the minister to grant an extended exemption to Insite so it could continue to operate.

I would like to quote from the particular ruling, honourable senators, because I think it's quite telling. This is after an extensive court hearing. The Supreme Court of Canada stated that this issue at stake is serious:

> . . . it threatens the health, indeed the lives, of the claimants and others like them. The grave consequences that might result from a lapse in the current constitutional exemption for Insite cannot be ignored. These claimants would be cast back into the application process they have tried and failed at, and made to await the Minister's decision based on a reconsideration of the same facts.

So the court was adamant that this is a positive situation that needs to be corrected and that the minister was wrong in 2008 in not granting that exemption under the Charter of Rights and Freedoms, section 7. Let me remind you of that:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Basically, the court found in this case that there was a disproportionate weight toward public safety and not enough toward health in the balancing of public safety and health, and that it was therefore an arbitrary decision not to grant the extension.

Bill C-2, which we will now come to, honourable senators, is an amendment to that regime. Bill C-2 requires supervised consumption sites to now submit 26 pieces of information to the federal government before the application would even be considered.

• (1430)

This information includes letters from provincial and municipal governments, police forces, and health professionals; trends in deaths; trends on persons with infectious diseases. And the list goes on and on, honourable senators.

Should any of the third parties who are required to write letters on behalf of Insite, or any other organization making an application, not provide the letter, then the minister is barred from considering the application. So you can see that as a block to the application proceeding at all.

All 26 pieces must be received by the minister before the minister can examine the request.

The irony here is that this chamber recently passed Bill C-21, and we will probably have Royal Assent on that this afternoon, the red tape reduction act. Only a few weeks ago we debated that here. The goal of that bill was to cut down on the administrative burden imposed on businesses.

Here we are, a short while later, adding onerous amounts of red tape for supervised consumption sites to deal with in order to simply be considered. Take red tape away from small businesses and add more red tape to make it difficult for NGOs to help vulnerable drug addicts to get the support they desperately need.

Senator Black, while dealing with the red tape legislation, stated, "As the Prime Minister has said, and I agree, red tape is a hidden tax . . ." And, as we know, tax is a deterrent to activity, honourable senators.

In this case, replace tax with regulations. These regulations are a deterrent to the purpose of the act and the activity that the act is supposed to cover. Intended or otherwise, these regulations will make it difficult, if not impossible, to obtain an exemption under section 56 of the act.

Honourable senators, this bill isn't going to eliminate the possession, use or production of illicit substances. It's not going to do that. It's not intended to do that.

Senator Dagenais, in his submission in relation to this legislation, mentioned that there are health risks associated with the use of illicit substances. Of course there are. We all recognize that. He's quite right.

However, Senator Campbell, in dealing with this particular bill in his speech, a very well-researched speech, talked about the issue from a personal point of view, as did Senator Jaffer. They told us of the benefits of supervised consumption sites when it comes to health.

These clinics are a safe and hygienic environment. They drastically reduce the rate of HIV, AIDS and hepatitis due to the availability of clean and sterile needles, not to mention that they have achieved $17.6 million in savings related to health costs.

The needles that are no longer needed are disposed of hygienically, not left deposited in the street if the site wasn't there, or in parks. The bill will push the activity back into the streets and the parks if we don't correct some of these matters that have been pointed out by honourable senators. We're going to committee on this, and I'm hopeful that all of these issues will be looked into.

It's up to the minister and at the minister's discretion in the end, in spite of the 26 different documents, if you're able to get all 26 of those documents. In the end the minister still has overriding discretion whether or not to allow the exemption to happen. It's the minister's discretion, notwithstanding the views of community leaders, police forces and health care providers.

The Canadian Medical Association is very supportive of this particular scheme and regime that is helping so many people.

Honourable senators, given the overwhelming support for the scheme as it has existed, I'm at a loss to understand why this particular piece of legislation is before us. It's not necessary as a result of the Supreme Court case. Why do we have this legislation in the first place?

Honourable senators, I hope that some of those questions will be answered at the hearings, which should be taking place shortly in relation to this legislation.

Thank you, honourable senators.

Hon. Elizabeth Hubley: Honourable senators, I would like to speak today about Bill C-2, the so-called respect for communities act. I do not think I need to repeat the details of this legislation. Our colleagues Senators Dagenais, Campbell and Day have already done so.

But because I think it is very important, I would like to reiterate the value of safe and medically responsible care for those who suffer from serious drug addiction.

Study after study has proven that supervised consumption services make a positive impact, not just for those who use the drugs but also for the community as a whole. These sites can be found around the world. There are more than 90 of them in Canada, Australia and Western Europe.

Senator Campbell has already spoken most passionately about the benefits of supervised consumption services as part of the continuum of care for drug users. We all know about Insite in Vancouver. It is a highly successful facility. It prevents death and disease, and it helps move drug users into treatment. It does not encourage drug use, nor has there been any increase in drug-related crimes. It saves lives, and it saves money.

For example, if Insite did not exist, the annual number of new HIV infections among Vancouver intravenous drug users would increase by more than 50 per cent. As Senator Campbell noted already, these new cases would cost more than $17 million in lifetime HIV-related medical care.

The Supreme Court was very clear about the value of Insite in 2011. In small part, the court's ruling stated:

> . . . during its eight years of operation, Insite has been proven to save lives with no discernable negative impact on the public safety and health objectives of Canada. The effect of denying the services of Insite to the population it serves and the correlative increase in the risk of death and disease to injection drug users is grossly disproportionate to any benefit that Canada might derive from presenting a uniform stance on the possession of narcotics.

But with this legislation it will be virtually impossible for any supervised consumption site to be opened. The burden for those looking to set up a site will become so onerous that it will never happen. Most importantly, it violates the spirit of the Supreme Court's ruling.

Whether we like it or not, some individuals will find themselves addicted to drugs. As Senator Campbell said Tuesday, if "just say no" was the answer, we wouldn't be having this debate. Drugs can be found anywhere.

In my own home province, Prince Edward Island's 2013 Student Drug Use Report found that 2.4 per cent of students from Grade 7 to Grade 12 have tried heroin. The average age for the first try is 13.6 years old.

But harm reduction works. We may be surprised to hear this, but P.E.I. has an active needle exchange program, with seven locations throughout the province. The use of this program has increased dramatically in recent years, from 34,000 needles distributed and returned in 2010 to 153,000 in 2013, saving the province significant sums in health care costs and preventing debilitating illnesses for some of the province's most vulnerable residents.

• (1440)

We also have three methadone clinics — in Summerside, in Charlottetown and at the Provincial Addictions Treatment Facility in Mount Herbert. In January of this year, more than 530 Islanders were receiving methadone.

Dr. Peter Hooley, one of the physicians at the new Charlottetown clinic that opened in November, had this to say:

> The early results at the clinic are truly amazing. We are seeing patients turning their energies to other things, gradually. We have seen a number get back to work, and

expect many more to do so in the coming months. I would think the indirect cost savings are in the hundreds of thousands, at least to this point, and there would be a significant decline in criminal activity.

That is the whole point of harm reduction, keeping people from getting sicker, helping them to get better.

This issue is very personal for me. I know exactly how drug addiction can affect an individual, all the friends and family who love that person and the community in which they live. I have seen the efforts to quit and the consequences of failing. It is a constant struggle.

For those of you who have not seen it first hand, you should know that drug addiction is not caused by a lack of will, nor is it a failing of character. It is a disease that many fight throughout their lives. The notion that we will not help those who are struggling is outrageous. These are real people with mothers and fathers. Some are mothers and fathers. They are brothers and sisters, sons and daughters. They have value. It is far better that we help them if we can.

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

Hon. Senators: Agreed.

(Bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore***:** When shall this bill a third time?

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

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of April 22, 2015, moved**:**

> That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 28, 2015 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Patterson, for the second reading of Bill S-225, An Act to amend the Criminal Code (physician-assisted death).

Hon. Don Meredith: Honourable senators, I rise today to speak to Bill S-225, An Act to amend the Criminal Code (physician-assisted death).

I am an ordained Evangelical minister, and as a man of deep faith, it is with a passion and a belief in God and the sanctity of life that I wish to speak on this bill.

Honourable senators, I choose life. I choose life until the ultimate maker, the giver of breath and the Supreme Being takes life away.

According to Statistics Canada, 76 per cent of Canadians have a religious affiliation. This is an indication that they will understand the religious tenet that demands that we respect the sanctity of life, and a bill in support of physician-assisted death, or PAD, is counter to that core principle. The gift of life is sacred, undertaken and bestowed upon man by God. To take one's life via PAD is a violation of the sublime law.

The English poet Alexander Pope wrote, "Hope springs eternal in the human breast." His poem, entitled *An Essay on Man*, emphasizes faith in God's plan despite the chaos and pain in the world.

Honourable senators, there is indeed tremendous chaos, hurt and pain in the world, and hope is diminished significantly when we are faced with a terminal illness. I am deeply sympathetic to the plight of fellow Canadians battling incurable disease. I have nothing but compassion for the pain and suffering that they and their loved ones have to live with daily, a pain so great that it could lead them to abandon eternal hope and life in favour of PAD.

Nevertheless, I humbly caution all of us to choose life. I implore my colleagues to contemplate the alternative approach where God has a final say in our destiny. I ask you to reflect first on Corinthians 6:19:

> Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own; [20] you were bought at a price. Therefore honor God with your bodies.

Will it be easy, honourable senators? Absolutely not. The truth is that for individuals facing terminal illness that will end in excruciating pain, it will be exceptionally difficult to choose life. But, again, I go to the scriptures.

Jeremiah 29:11 says:

> For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future.

Hope and a future, honourable senators. That means we must choose life. Choosing PAD is not choosing life.

In addition, I believe that Bill S-225 as currently presented is against the best interests of Canadians.

Honourable senators, allow me to break down my concerns for you today. In my humble opinion, we are on a slippery slope. The recent Supreme Court ruling concluded:

> . . . the prohibition on physician-assisted dying is void insofar as it deprives a competent adult of such assistance where (1) the person affected clearly consents to the termination of life; and (2) the person has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.

But the court did not issue a carte blanche ban. The Supreme Court presiding judge recognized a need to protect "vulnerable persons from being induced to commit suicide at a time of weakness."

As such, the Supreme Court ruling demands a high level of due diligence on the part of legislators, stating:

> . . . the risks of physician-assisted death "can be identified and very substantially minimized through a carefully-designed system" that imposes strict limits that are scrupulously monitored and enforced.

• (1450)

Parliament now has the opportunity, honourable senators, to establish a stringent regulatory framework to safeguard the rights of the vulnerable. Bill S-225 as currently outlined, in my humble opinion, does not meet that basic requirement.

Clause 3(*c*) of Bill S-225 states that in order to be eligible to make your request for physician-assisted death, a person must:

> (*c*) have been diagnosed by a physician as having an illness, a disease or a disability, including a disability arising from traumatic injury

I am concerned that this bill singles out the disabled. This is a vulnerable group because the wider society has deep-seated prejudices about the value of life of a person with disabilities.

In October 2014, the Council of Canadians with Disabilities sent out a news release arguing against the then pending Supreme Court hearing to strike down the ban on assisted suicide.

Mr. Jim Derksen from the Council of Canadians with Disabilities stated:

> Nobody in Canada needs to be left to face death in pain, nor should they have to feel their lives are a burden for others. . . . We join with others who are demanding adequate end of life care instead of putting public resources into financing physicians to deliver assisted suicide/euthanasia programs.

Honourable senators, in light of the Supreme Court ruling in favour of a ban on the specific circumstances, we need to make sure we're not putting forward a bill that will unintentionally foster an environment that targets the disabled or the marginalized.

In fact, the Supreme Court ruling insisted that we must guard against a bill that:

> . . . implicitly devalues their lives and renders them vulnerable to unwanted assistance in dying, as medical professionals assume that a disabled patient "leans towards death at a sharper angle than the acutely ill — but otherwise non-disabled — patient."

Honourable senators, in addition, I caution us to pay more attention to how the unintended consequences of the bill could adversely affect the elderly, mentally ill, and other disenfranchised groups that might feel pressured in choosing PAD so as not to be a burden to society.

This is a slippery slope that we must vigorously defend against. While I acknowledge the Supreme Court's finding, we should "not lightly assume that the regulatory regime will function defectively." I strongly believe that we should give more attention to the Supreme Court's cautionary point that we should not "assume that other criminal sanctions against the taking of lives will prove impotent against abuse."

It is therefore our prime responsibility to establish firm guidelines that will stop us from sliding down this slippery slope.

Clause 9 of Bill S-225 outlines that. It states:

> At least fourteen days must elapse between the time the assisting physician, the person making the request for physician-assisted death or the witnesses, as the case may be, signed the request and the time the request is carried out, and the assisting physician must, immediately before carrying out the request, offer the person an opportunity to revoke the request.

Honourable senators, retailers in Ontario on average give consumers 14 days to return products like clothing and supplies if they change their minds on a particular purchase. It seems quite outrageous that this bill was allotted the same 14 days for an individual who might want to rethink their decision to have a physician help them take their life. Is this what a life is worth, 14 days of consideration?

This is another reason why I don't support the bill. How about recommending 30 days, a 30-day waiting period? Additionally, what about making it mandatory for the patient to receive an independent psychiatric assessment at the end of the first 14 days?

Honourable senators, those are the kinds of stringent safeguards that will help to ensure that individuals choosing assisted suicide are of sound mind and that their decisions are not being unduly influenced. This would be consistent with the Supreme Court ruling that stipulates those selected Canadians choosing PAD must be "competent, fully informed, non-ambivalent, and free from coercion or duress."

Honourable senators, my second point is that while we're vigorously advocating for a better palliative care system, clause 6 of Bill S-225 outlines that attending physicians must discuss all options with a patient requesting PAD including "feasible alternative treatments — including, but not limited to, comfort care, palliative or hospice care, and pain control — and his or her right to revoke the request at any time."

Honourable senators, it is my humble belief that more attention should be devoted to rigorously establishing the palliative and end-of-life resources for all Canadians. According to a November 2011 report by the Royal Society of Canada entitled *End-of-Life Decision Making*, it is estimated that 95 per cent of deaths would benefit from palliative care, yet as many as 70 per cent of Canadians lack access because hospice and palliative care programs are unevenly distributed across Canada.

At the budget reading on Tuesday, the federal government committed the following:

> . . . to invest up to $37 million annually to extend the duration of Compassionate Care Benefits from the current six weeks to six months, as of January 2016. Through this enhancement, the Government is ensuring that the Employment Insurance program continues to help Canadians when they need it most.

This is a courageous and compassionate undertaking by the federal government on behalf of Canadians.

Honourable senators, we need more focus on creating universal palliative care in this country so that our sick and dying can have more options than PAD.

Let me share with you a personal story about a man from the church I attended several years ago, named Mr. Reid, who had cancer. Though he was in unbelievable pain when I visited him in the hospital, he cried and held my hands. His family was surrounding him. He chose life until the end, comforted by his family and friends, his pastor. He chose a path that God outlined for him.

Pope Francis said this:

> . . . all life has inestimable value 'even the weakest and most vulnerable, the sick, the old, the unborn and the poor, are masterpieces of God's creation, made in his own image, destined to live forever, and deserving of the utmost reverence and respect.'

Honourable senators, the truth is that good palliative care, end-of-life care is currently an option available mostly to the affluent. Now, instead of directing our energies to establishing equitable palliative care that preserves lives, we have opted to devote ourselves to PAD, an outcome that will expedite the end of life.

My final point is that Bill S-225 gives the physicians too much room, in my humble opinion, to facilitate PAD and none to say no on moral grounds.

For example, clause 13 of the bill is further indication of a missed opportunity to protect patients.

It states:

> An assisting physician must, not later than 30 days after the death of a person to whom the physician has provided assistance with dying, submit to the Minister of Health, for the purposes of data collection and analysis, a report . . .

Accordingly, honourable senators, the report would be submitted after the death of the patient. The checks and balances would have taken place after the fact.

Honourable senators, how could this be in the best interests of patients? The person is dead. Where is the advocacy to protect them during the time that they are alive and vulnerable?

• (1500)

If there were anything amiss in their supposed choice of PAD as a choice of action, then according to the timelines outlined by Bill S-225, there would be no going back. Furthermore, the bill leaves us in the hands of the physicians to self-monitor by reporting the death of a patient.

Honourable senators, will physicians who abuse the system self-report and give themselves up? This is another failure of the bill to ensure a rigorous standard of protection for all Canadians.

May I request five more minutes?

The Hon. the Speaker *pro tempore*: Will honourable senators grant five more minutes?

Hon. Senators: Agreed.

Senator Meredith: Thank you, honourable senators.

Moreover, proposed subsection 241.1(17) of Bill S-225 outlines that:

> Every assisting physician or consulting physician who provides assistance or advice in relation to the physician-assisted death of a person, knowing or believing that he or she would receive a financial or other material benefit as a result of the death of that person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Honourable senators, this clause addresses a concern that physicians might seek to profit from helping patients access assisted death. But there is no mention of how to manage concerns of doctors who have moral objections to supporting or referring patients for PAD. Currently, the Canadian Medical Association, CMA, and the College of Physicians and Surgeons of Ontario are debating how to resolve this matter. They are proposing exempting physicians who, for reasons of conscience, are not comfortable with assisting patients or referring them for assisted suicide. This bill does not take into consideration the religious beliefs of those physicians who are expected to carry out or refer patients for PAD, despite the fact that it violates their conscience.

This is an important shortcoming that must be addressed.

In closing, honourable senators, I know that this topic is near and dear to everyone's heart when it comes to a loved one — to caring for them — but somebody who did this before she died, Mother Teresa, said this: "Life is too precious, do not destroy it. Life is life, fight for it."

I encourage us to choose life, to fight for life, no matter the state of that life. Ultimately, I do not believe that this bill is a safe plan for Canadians. I want a plan based on a hope and the preservation of life — based on a bill that I can vote for.

Pope Francis earnestly commends: "Caring for life from the beginning to the end. What a simple thing, what a beautiful thing . . . . So, go forth and don't be discouraged. Care for life. It's worth it!"

So, honourable senators, because of my deep aspiration to choose life, my spiritual beliefs, my moral stance on the preservation of life, despite the challenges, despite the difficulties, despite the pain, despite the fear, I respectfully will not be supporting Bill S-225 moving to committee.

Thank you.

[*Translation*]

Hon. Diane Bellemare: Honourable senators, I rise today to support Bill S-225, which is sponsored by my colleagues, Senator Nancy Ruth and Senator Campbell.

There are three reasons why I support the principle behind this bill. First, Canadians support physician-assisted death; second, the Province of Quebec, which I represent, unanimously passed end-of-life care legislation in the National Assembly; and third, the Supreme Court has asked the government to amend the current Criminal Code provisions.

Dear colleagues, many things have changed since the Supreme Court upheld the prohibition against physician-assisted death by a slim majority in the *Rodriguez* case more than 20 years ago. Canadian society has changed considerably and several countries have enacted legislation permitting physician-assisted death, which has provided us with information that we did not have at the time.

According to a recent survey conducted for the Ontario organization Dying with Dignity, a large majority of Canadians across the country, 84 per cent, support physician-assisted death. This online survey of 2,515 Canadian adults was conducted from August 21 to 29, 2014. The data collected were weighted to be representative to age, gender and regional proportions as set by Statistics Canada.

[*English*]

Among the respondents, there were 94 Canadians with disabilities and 181 Canadians working as regulated health care professionals. This is the most comprehensive Canadian survey ever undertaken on the public perception of dying with dignity.

[*Translation*]

The survey results show that 84 per cent of respondents agree with the following statement:

[*English*]

> A doctor should be able to help someone end their life if the person is a competent adult who is terminally ill, suffering unbearably and repeatedly asks for assistance to die.

[*Translation*]

Note that only 16 per cent of respondents did not agree with that statement.

[*English*]

The findings of this survey also show that respondents who identified as members of a regulated health profession and those who have disabilities were 85 per cent in support of assisted dying.

[*Translation*]

Canadians are not the only ones who want to die with dignity. In fact, the recent ruling from the Supreme Court reminds us that in 2010, there were eight places in the world where some form of assisted death existed: the Netherlands, Belgium, Luxembourg, Switzerland, Oregon, Washington, Montana and Colombia.

[*English*]

The process of legalization began in 1994 when Oregon, as a result of a citizens' initiative, altered its laws to permit medical aid in dying for a person suffering from a terminal disease. Colombia followed in 1997 after a decision of the constitutional court. The Dutch parliament established a regulatory regime for assisted dying in 2002. Belgium quickly adopted a similar regime, with Luxembourg joining in 2009.

Together, these regimes have produced a body of evidence about the practical and legal workings of physician-assisted death and the efficacy of safeguards for the vulnerable.

[*Translation*]

All of those foreign laws include a number of strict conditions that must be met for physician-assisted death to be permitted. In particular, the patient must be terminally ill.

In the wake of those countries and states, the Government of Quebec followed through on the wishes of Quebecers, who are in favour of physician-assisted death, and unanimously — I repeat, unanimously — passed An Act Respecting End-of-life Care in the National Assembly, which will come into effect in December 2015.

Section 26 of the act clearly sets out the criteria for obtaining medical aid in dying. Thus, only the following patients may have access to physician-assisted death: those of full age who are capable of giving consent; individuals who reside in Quebec within the meaning of the Health Insurance Act; those who suffer from an incurable serious illness; those who suffer from an advanced state of irreversible decline in capability; and lastly, those who suffer from constant and unbearable physical or psychological pain which cannot be relieved in a manner the person deems tolerable.

[*English*]

Both the Quebec legislation and Bill S-225 impose that these mentioned conditions must be confirmed by two doctors.

• (1510)

[*Translation*]

In Quebec, and from my understanding of Bill S-225, it is in no way a question of encouraging vulnerable people who are going through a rough period to commit suicide.

Bill S-225, like the Quebec legislation, is about helping an adult who is capable of giving consent, but who is very sick, to die without undue suffering. Everyone dies one day. Physician-assisted death should be included in the spectrum of health care and not regarded as a form of assisted suicide.

Relieving someone of terrible suffering that is inevitable or prolonged agony is not at all the same as encouraging someone to jump off a bridge or giving them a rope to tie around their neck. Honourable senators, I hope that you will not confuse physician-assisted death, which fits within the spectrum of end-of-life care, with assisted suicide, which remains a morally reprehensible act that will continue to be a Criminal Code offence. That is my understanding of the recent Supreme Court ruling on the matter.

Dear colleagues, as you know, on February 6, 2015, the Supreme Court of Canada handed down a historic ruling regarding physician-assisted death — historic because the court was unanimous in its ruling, which struck down the Criminal Code provisions that prohibit physician-assisted death. On the ruling, the law firm Ménard et Martin said, and I quote:

> This ruling will certainly be cited around the world, since it legalizes physician-assisted death in Canada under certain conditions.

Indeed, in *Carter v. Canada*, the Supreme Court held, in paragraph 127 of the ruling, that in certain situations, physician-assisted death must be permitted. Furthermore, the Supreme Court directed us, as federal legislators, to take the appropriate steps to correct the current provisions of the Criminal Code by February 6, 2016. We have only 10 months left to act, so, let's get to work.

I will quote from page 6 of the Supreme Court ruling:

> Section 241(*b*) and s. 14 of the Criminal Code unjustifiably infringe s. 7 of the Charter and are of no force or effect to the extent that they prohibit physician-assisted death for a competent adult person who (1) clearly consents to the termination of life and (2) has a grievous and irremediable medical condition (including an illness, disease or disability) that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.

The Supreme Court also clearly affirmed that an individual has autonomy in medical decision-making. I would like to quote a passage from paragraph 63 of the ruling, which I quite like:

> The sanctity of life is one of our most fundamental societal values. Section 7 [of the Charter] is rooted in a profound respect for the value of human life. But s. 7 also encompasses life, liberty and security of the person during the passage to death. It is for this reason that the sanctity of life "is no longer seen to require that all human life be preserved at all costs" (*Rodriguez*, at p. 595, per Sopinka J.). And it is for this reason that the law has come to recognize that, in certain circumstances, an individual's choice about the end of her life is entitled to respect.

Like the British Columbia trial judge, the Supreme Court unanimously held that the facts show that prohibiting physician-assisted death infringes the right to life, because it encourages people suffering from serious illnesses to end their lives prematurely.

Nonetheless, as some colleagues pointed out, it is important to set parameters in order to properly circumscribe physician-assisted death and protect the most vulnerable. That is what Quebec did.

Honourable senators, we must recognize the right to die with dignity. Quite simply, that is what Canadian society wants. I think the legislation proposed by our honourable colleagues does that. The principle behind Bill S-225 sponsored by Senators Nancy Ruth and Campbell is to provide freedom of choice, and I support that principle for the three main reasons I outlined earlier.

The fact remains that upon reading the bill and in light of the comments made by my colleagues, I wonder about the wording of this proposed legislation.

Does the bill have to determine so precisely the conditions under which physician-assisted death can be allowed? In its ruling on physician-assisted death, the Supreme Court clarified that federal jurisdiction over health is concurrent in some respects with the jurisdiction conferred on the provinces by subsections 92(7), 92(13) and 92(16) of the Constitution Act, 1867. The federal government may legislate on medical treatments that are dangerous or constitute socially reprehensible conduct because of its jurisdiction over criminal law under subsection 91(27) of the Constitution Act, 1867.

However, matters of competence, mandates and wills intrinsically involved in this issue fall under provincial jurisdiction as defined by the Constitution Act, 1867, as does health care.

For that reason, Bill S-225 should perhaps simply decriminalize physician-assisted death by amending the provisions of the Criminal Code deemed unconstitutional and let the provinces enact laws on end-of-life care that regulate physician-assisted death. That is what was done for abortion. We could do the same for physician-assisted death.

I am proposing this approach because it is the one suggested by Mr. L'Espérance, a neurosurgeon and the current president of the Association québécoise pour le droit de mourir dans la dignité, and his predecessor, Hélène Bolduc. As reported by journalist Hélène Buzzetti in an article that appeared in *Le Devoir* on April 7, Mr. L'Espérance, on behalf of the AQDMD, hopes that Ottawa will decriminalize physician-assisted death as quickly as possible and encourages every province to enact its own legislation to govern assisted dying. Isn't that consistent with the spirit of our Constitution, which is founded on the principle of a federal union?

Honourable senators, Mr. Speaker, I am very curious to see where our debate will lead us. Please know that I truly appreciate debating with you an issue that is so important for our country. I would therefore like to thank my colleagues, Senator Nancy Ruth and Senator Campbell, for introducing this important bill in the Senate. Thank you very much.

(On motion of Senator Batters, debate adjourned.)

MARINE MAMMAL REGULATIONS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Doyle, seconded by the Honourable Senator Unger, for the second reading of Bill C-555, An Act respecting the Marine Mammal Regulations (seal fishery observation licence).

Hon. Céline Hervieux-Payette: Honourable senators, you will not be too surprised to hear me speak about a bill concerning marine mammals and especially our famous seals. Indeed, I rise today to speak to Bill C-555, An Act respecting the Marine Mammal Regulations (seal fishery observation licence).

First of all, honourable senators, I would like to state that I support this bill. Any initiative to protect seal hunters and their legitimate activity, as imperfect as it may be, is welcome and deserves to be supported.

This bill is quite simple: it seeks to increase the distance that non-licensed observers must maintain from hunters to a nautical mile or 1,852 metres, rather than the half nautical mile currently set out in the Marine Mammal Regulations. Observation of the seal hunt is not a right. It is something the government allows in an effort to make the seal hunt transparent.

• (1520)

Canada has nothing to hide, with its humane hunting techniques and painless practices set out by independent veterinarians. It is also important to note that training is given every year, and I have taken that training.

The observation licences issued during the hunting season are good for 24 hours and can be renewed daily. Are licences issued to observe wild boar or deer hunting in Germany or France? Are licences issued to observe the wild boar hunt that is conducted by helicopter in Texas to try to control the population? Obviously, the answer is no.

Unlike the hunts that occur in Europe, Canada's seal hunt is not a sport hunt. It is a commercial hunt, a subsistence hunt. Are licences issued so that people can observe what happens in slaughterhouses? Slaughterhouses have nothing to gain from opening their doors and they are not willing to do so. No other country but Canada has made its hunt so accessible to observers.

The seal hunt is the most managed, controlled and monitored hunt on the planet. RCMP officers are out on the ice. In addition to firearms officers, officials from Fisheries and Oceans Canada ensure that good hunting practices are being used, while officials from the Canadian Food Inspection Agency ensure that seal hunters have completed the training on the humane three-step hunting process. The Coast Guard is also present.

It is extremely unfortunate that some groups who are opposed not only to the hunt, but also to the use of the meat as food have used this privilege granted by the Government of Canada to conduct fundraising campaigns and intellectual sabotage.

As an aside, I want to talk about an incident that was captured by the cameras of director Raoul Jomphe and that was part of a memorable excerpt from his film entitled, *Phoques, le film*. Rebecca Aldworth, the Canadian coordinator of the Humane Society of the United States, stands in front of a wounded seal that had escaped a hunter. Instead of killing the seal, which was at her feet, to put it out of its misery, she let it die a slow and agonizing death while her cameraman looked for good shots and while she spoke to the camera to denounce the hunt.

The seal almost slipped into the water and was caught at the last minute. The Humane Society team ran after the seal to get a better shot as it was dying on the ice. In his film, Raoul Jomphe states that if a real hunter had found this seal, he would have killed it out of pity and out of professionalism, since his own code does not allow making the animals suffer.

That's the basis of propaganda: no scruples, no remorse and no humanity. The Marine Mammal Regulations do enable the Minister of Fisheries and Oceans to deny issuing an observation licence if he deems that, and I quote:

> . . . the applicant has a stated aim of disrupting the seal fishery. . .

However, in reality, only the disreputable Paul Watson, who is an advocate for veganism, which means that he opposes any consumption of animals and consumes strictly vegetables, has had his licence application denied. I remind senators that Paul Watson's boat was stopped by the Canadian Coast Guard for failing to comply with the Marine Mammal Regulations and for putting others at risk.

That same Paul Watson fled Germany in 2012 after being arrested at the request of Costa Rican and Japanese legal authorities. Interpol was after him for years. In 2008, his boat was turned back by French fishers from Saint-Pierre and Miquelon, in solidarity with Canadian fishers, after Mr. Watson said that the seal hunt was more tragic than the deaths of the Magdalen Island hunters who went down with the *Acadien II*.

Do observers have to go to such lengths for the department to exercise its right to refuse to issue an observation licence? The reality, dear colleagues, is that people in Newfoundland and the Magdalen Islands and Nunavut risk their lives for their profession. They are not the only courageous workers to take such risks, but they are the only ones who have to work under mounting pressure from observers who are becoming increasingly hostile.

We have a responsibility here. As parliamentarians, we must ensure that our laws protect Canadians, especially when they are doing their jobs. We have to do something about the pressure brought to bear by these observers and the danger they pose. Bill C-555 attempts to respond to this situation.

I told you that even though this response may seem imperfect, at least it is a step in the right direction. It seems in this case that Fisheries and Oceans Canada officials determined that observers without a licence, who are allowed to observe the hunters from half a nautical mile away, would increase the risk of breaking the ice that the sealers hunt on.

Still, I would like to make some amendments to this bill, and I have shared them with my government colleagues. For example, we need to look at why Bill C-555 does not challenge the observation distance authorized for observers with permits. That distance is ten metres. Ten metres is not very much at all. This raises some serious safety concerns considering that the firearms seal hunters use have a range in excess of 1,000 feet and that the ammunition in those firearms can ricochet off the ice.

We also need to look at why Bill C-555 seems to address only land-based observers even though most observers are on boats.

Also, this bill does not address the problem of helicopter observation. Under existing rules, observers' helicopters cannot descend lower than 500 feet — about 150 metres — above a fishing boat or a sealing vessel unless they need to land.

I am sure you will agree that 150 metres is not very high and that having a helicopter right over your head with observers taking pictures of you while you work with the intention of going after you if you make the slightest mistake does not feel very safe.

I asked East Coast hunters what they think of this. They said that helicopter pilots get around the regulations by pretending to land and then taking off again, the better to disrupt the hunt by going below the authorized 500-foot limit. Lastly, and most importantly, the bill does not address one of the biggest problems, the right to images.

Sealers have been vilified for over 40 years. Now with the rapid expansion of the Internet and social networks, anti-sealing groups and vegetarians can instantly distribute photographs and videos of these men as they do their job to people around the world. The men become fodder for public condemnation in the form of defamatory messages and campaigns of disinformation.

As Canadians, I believe that we should be saying that this is completely unacceptable. I asked hunters what they were doing to retain the right to these images. I was told, quite rightly, that the observation licence issued by the Government of Canada is only supposed to allow observation. It is not a permit for making films or taking photographs.

They also told me that in the event of a legal challenge, anti-sealing groups have so much money that they are capable of hiring the best lawyers in the country. Many of the Internet sites that post the offending videos and photos are hosted on servers based abroad, which makes legal action more complicated.

In conclusion, honourable senators, this bill has the merit of raising one of many issues that should be debated by the Fisheries Committee. Should Canada authorize seal hunt observers, particularly those carrying regular or video cameras?

After all, we know that observers who belong to such organizations as HSUS, IFAW and PETA, which are known to strongly oppose the hunt, want to undermine the interests of sealers and also tarnish Canada's image abroad.

Under these conditions, I will ask the following question: Who would benefit from authorizing observers equipped with cameras, which they will wield as weapons to incriminate our sealers?

• (1530)

Honourable senators, while waiting to debate this issue, I invite you to support this bill and assure us that some amendments will be made. I would like to describe the amendments that we proposed to the government.

They are the following: to increase the distance that licenced observers must maintain from hunters from 10 metres to half a nautical mile, or 926 metres; to prohibit observation by helicopter with all of the risks that that entails; if observation by helicopter is allowed, to make it mandatory for those aircraft to have a black box with GPS to ensure that they follow the regulations; to increase the minimum distance a helicopter can hover over a boat from 500 feet, or 152 metres, to 2,000 feet, or 760 metres; to prohibit all types of cameras, which serve no purpose other than to interfere in hunting activities; to make it mandatory for every observation boat to have an inspector aboard — the cost of which is to be covered by the observers — who is responsible for ensuring compliance with the regulations governing the observation of the seal hunt; to increase the cost of the observation licence to $200 per day; to address the issue of defamation in the use of images of seal hunters; and to prohibit any observation by creating a reserved hunting area during the hunting season.

Hon. Ghislain Maltais: I certainly support Senator Hervieux-Payette's request in terms of supporting the bill. The amendments proposed would mean that the bill would return to the House of Commons and could not be passed until the next session.

However, I think that the bill does not go far enough in terms of the fines and some of the restrictions. I will give you some specific examples — and this also applies to my colleague from Newfoundland and Labrador — regarding small fishing villages that do not use large boats but instead use what are commonly known as dories when they go seal hunting. When they return to the dock in the village, they are overtaken by these so-called observers.

I therefore propose that the bill be sent back to the Standing Senate Committee on Fisheries and Oceans, and once it is passed, that we attach a schedule outlining a series of recommendations, including some of Senator Hervieux-Payette's very valid recommendations, but that we place more emphasis on the fines and restrictions that should be imposed.

[*English*]

REFERRED TO COMMITTEE

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

(On motion of Senator Doyle, bill referred to Standing Senate Committee on Fisheries and Oceans.)

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore***:** Honourable senators, I wish to draw your attention to visitors in the gallery, various leaders and members of the Vietnamese community from Toronto, Montreal and Ottawa, who are here as guests of the Honourable Senator Ngo.

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

Hon. Senators: Hear, hear!

REFORM BILL, 2014

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Scott Tannas moved second reading of Bill C-586, An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms).

He said: Honourable senators, today I rise to speak to Bill C-586, An Act to amend the Canada Elections Act and the Parliament of Canada Act.

Electoral reform is a subject that is often discussed in the other place, but those discussions rarely yield productive results. Michael Chong's private member's bill is an example of the parties in the other place cooperating to create the Reform Bill that we have before us today.

In Canada, over the past 50 or 60 years, the individual powers of members of Parliament have slowly eroded, as the power has become centralized in the party leaders' offices. The intent of the Reform Bill is to re-empower individual caucus members so that Canadians can be confident that their elected members of Parliament are representing their constituents, without being rigidly controlled by party leaders.

The bill will re-empower caucus members by strengthening caucus as a decision-making body on five key subjects — how party candidates are selected, how caucus chairs are selected, how interim leaders are elected, how members of Parliament are expelled from and readmitted to caucus and how party leaders are reviewed and removed.

I would like to discuss each one of these points in a bit more detail, beginning with the candidate selection and following with a discussion of the other four subjects all together.

Canada is the only Western democracy where the leaders have power to approve party candidates in an election. In fact, by law, party leaders must approve party candidates. The Reform Bill will remove this statutory obligation so that each party is free to determine how party candidates are to be selected.

The four other previously mentioned subjects in the scope of this bill all share a common element. None of them has any explicit, written rules for how they are now done. Therefore, party leadership has a great deal of decision-making power in how these

caucus functions are addressed. The rules vary by party, and they are clearly ad hoc. The Reform Bill addresses the vagueness around each of these caucus functions by proposing explicit rules. Each party caucus will have the option to either keep these rules, as set out in this bill, or to opt out of and replace these rules with their own explicit written rules.

The Reform Bill proposes a similar mechanism for how caucus chairs are selected, how MPs are expelled from and remitted to caucus and how party leaders are reviewed and removed. The bill implements a rule whereby, if a member goes to the caucus chair with signatures from 20 per cent of their caucus colleagues, a secret ballot vote is triggered on the matter. If a majority of caucus members in that vote agree with the initial 20 per cent, then a caucus member could be expelled or reinstated, a caucus chair could be removed or a party leader could be removed and replaced.

If the replacement of a party leader is endorsed by the majority of that party caucus, the bill also delineates a specific rule for how an interim leader is chosen. An interim leader is elected by a caucus secret ballot to serve until a new leader has been duly elected by the party.

If adopted, the 20 per cent rule in this bill will mean more accountability by caucus leadership to caucus members. However, it is not a requirement that this rule be adopted by all parties. Rather, this legislation requires that all party caucuses vote on whether or not they will adopt this rule after every general election. If the 20 per cent rule in the bill is not adopted, then each caucus is free to propose another rule in its place. If the 20 per cent rule is rejected and no modified rule is adopted, then the status quo will be maintained.

• (1540)

By requiring that every party hold a secret ballot vote on this rule, the Reform Bill will force all parties to take the unwritten and vague caucus rules that they currently have and write them down in a clear and transparent way.

The last part of this bill I would like to discuss is the way the bill defines “caucuses.” I understand that some of my colleagues may be upset that the bill defines caucus as “a group composed solely of members of the House of Commons who are members of the same recognized party.” This definition seems to exclude senators from caucus.

Before I launch into an explanation of why caucus is defined in this way, I would like to first reassure my colleagues that this definition will not change national caucus as we know it.

As senators know, our bicameral parliamentary system is made up of two independent chambers. The Parliament of Canada Act recognizes the House of Commons caucuses and Senate caucuses as two distinct groups that are, in fact, independent from one another. In fact, “national caucus” isn’t a concept that is recognized by the Parliament of Canada Act or by our Constitution. The Parliament of Canada Act repeatedly refers to a House of Commons caucus as a party that has a recognized membership of 12 or more persons in the House of Commons, et cetera. The Parliament of Canada Act also makes reference to each recognized party in the Senate.

What is important to understand here is that the act recognizes the House of Commons caucuses as separate and distinct from Senate caucuses. It is strictly by convention that House of Commons caucuses have been convening with Senate caucuses to jointly discuss issues. That is a lesson that our Senate Liberal colleagues learned last year.

A more accurate term for “national caucus” would really be a joint meeting of the House of Commons caucus and the Senate caucus. It would be unconstitutional to have a definition of “caucus” in a bill that would include both MPs and senators because this would violate the fundamental autonomy that both chambers exercise over their affairs.

The passage of this bill will not mean any changes to the way a party chooses to run its national caucus. House of Commons caucuses can still choose to meet with Senate caucuses, as has been the convention for decades for both Conservatives and, until recently, the Liberals.

Colleagues, the Reform Bill affects all parties equally, and no single party gains any advantage by the passage of this bill. Although the first draft of the bill encountered significant opposition from all parties, this amended version had almost universal support, 270 votes in favour and 17 votes opposed.

The bill has also generated a lot of national media attention, which has raised public awareness and public support for the reform initiative. The public understands that giving MPs more decision-making power in caucus will improve the members’ ability to represent the people of Canada.

I think these are all important points to keep in mind as we carefully review the Reform Bill in committee.

I’d like to close by congratulating the member from Wellington-Halton Hills, Michael Chong, for his persistence with this bill. It is difficult for any parliamentarian to get their private member’s bill to this point in the process, let alone the fact that this particular bill is on the very uncomfortable subject of parliamentary reform.

I anticipate a lively discussion during the committee stage, and I urge senators to support this bill at second reading.

Hon. David M. Wells: Would Senator Tannas take a question?

Senator Tannas: I would.

Senator Wells: Thank you, Senator Tannas. Thank you for the presentation on Bill C-586. I have a question and a concern, which I’ll couch in a question eventually.

I have a concern about this bill stripping away the rights of the grassroots in favour of members of the House of Commons. On March 20, 2004, the Conservative Party of Canada had a

leadership convention. Mr. Harper — who later became Prime Minister, of course — garnered 16,149 votes, over 55 per cent of the delegates there. Over 16,000 people chose him as the party leader for the Conservative Party of Canada.

Under this proposed legislation, in our current circumstance of 160 Conservative members of the House of Commons, it would take a cabal of 32 people to question the leadership of the party, the leadership that was chosen by over 16,000 people.

Similarly, Mr. Justin Trudeau was voted Leader of the Liberal Party by 24,668 votes, which is over 80 per cent of the people who voted in that convention. Seven people in his caucus could now overturn that leadership, a leadership that was stamped by nearly 25,000 people who signed up for the Liberal Party.

In the past, Paul Martin had over 93 per cent support of his convention delegates, which was over 3,200 people. He could be toppled with the suggestion of 34 people in that caucus.

That is my concern with that aspect of the bill, and I have concerns with other aspects of the bill as well. How do we reconcile our grassroots political system, which I think is the foundation of our system here in Canada, in all of our parties? How can we reconcile putting such power in the hands of so few when so many put that person there?

Senator Tannas: Well, as usual, Senator Wells, you have gotten right to the heart of the matter. Excellent question.

One point of clarification, and that is that 20 per cent would not topple anyone; 20 per cent would get the question forward. It would take 50 per cent plus 1 for that to happen, but 20 per cent could indeed initiate — in our party, 32, and in the Liberal Party, 7 — that kind of momentum. We know even at that level that can be difficult for a leader to deal with.

Certainly it's clear that all parties, I believe, support the widest possible way in which to select a leader. One of the difficulties, though, is unselecting a leader. Sometimes it takes forever. It is an uncomfortable and difficult circumstance. We've seen it before where everybody except the leader knew it was time for the leader to go. This is a way, I would submit, that has some efficiency for the people who are closest, and it ultimately puts the leadership selection process after the fact back into the hands of those who should select the next leader.

But it is certainly by no means without controversy. There are examples, I think, of the effectiveness of this type of arrangement. There are examples — people point to Australia — where a series of these events have happened, and some question the value of it.

This is something that I think we're going to want to explore at second reading and once we get it to committee.

(On motion of Senator Fraser, debate adjourned.)

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore***:** Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of His Excellency the Governor General?

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1610)

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Canadian Security Intelligence Service Act and other Acts (*Bill C-44, Chapter 9, 2015*)

An Act respecting the Rouge National Urban Park (*Bill C-40, Chapter 10, 2015*)

An Act to amend the Corrections and Conditional Release Act (fairness for victims) (*Bill C-479, Chapter 11, 2015*)

An Act to control the administrative burden that regulations impose on businesses (*Bill C-21, Chapter 12, 2015*)

An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts (*Bill C-32, Chapter 13, 2015*)

An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War (*Bill S-219, Chapter 14, 2015*)

The Commons withdrew.

His Excellency the Governor General was pleased to retire.

(The sitting of the Senate was resumed.)

(The Senate adjourned until Tuesday, April 28, 2015, at 2 p.m.)

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