



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 28

OFFICIAL REPORT
(HANSARD)

Tuesday, April 19, 2016

The Honourable GEORGE J. FUREY
Speaker

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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

THE SENATE

Tuesday, April 19, 2016

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE GÉRARD LA FOREST, C.C.

CONGRATULATIONS ON NINETIETH BIRTHDAY

Hon. Jim Munson: Honourable senators, earlier this month, Gérard La Forest, former Justice of the Supreme Court of Canada, celebrated his ninetieth birthday at home in Fredericton. For several years, I've known of and respected this man — for his impact on our laws, our lives and our country, and for being a genuine, insightful person — characteristics I gleaned from stories told to me by his daughter, who is a member of my team here in Ottawa.

Since we're both from New Brunswick, I have an idea of what his early years must have been like. Born in 1926 in Grand Falls, the youngest of 12 children, his era was one of economic challenge deeply felt within families and communities. With an aptitude for school and an interest in books and the world, Mr. La Forest was the odd one out among his siblings. He laughs fondly at his father's patient acceptance that his youngest son was not meant for the exertions of farming.

Throughout his career, Mr. La Forest realized several remarkable achievements. He credits good fortune for the most significant events of his life, professional and personal alike, including his most cherished experience of all: meeting and marrying Marie Warner of Saint John.

In the 1997 case *Eldridge v. British Columbia (Attorney General)*, Mr. La Forest based his support for a group of appellants, who were born deaf, on the realities of being disabled in this country. This is what he wrote:

... disabled persons have not generally been afforded the "equal concern, respect and consideration" that s. 15(1) of the *Charter* demands. Instead, they have been subjected to paternalistic attitudes of pity and charity, and their entrance into the social mainstream has been conditional upon their emulation of able-bodied norms ...

This description of social marginalization and exclusion is as illustrative today as it was 20 years ago. His words convey the perspective I endorse in my own advocacy work for people with intellectual disabilities and autism.

Today, it is a pleasure to express my best wishes to Mr. La Forest. I hear his birthday celebration was a happy, loving, lively gathering with his five daughters, their families and dear friends of all ages. Good fortune, indeed.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Brendan Paddick, a well-known entrepreneur and philanthropist from Newfoundland and Labrador. Mr. Paddick is the Consul General to the Bahamas. He is accompanied by his wife Renée.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I also wish to draw your attention to the presence in the gallery of a delegation of firefighters from Burnaby, Vancouver and the District of North Vancouver. They are guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

FIREFIGHTERS

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, today I rise to recognize and thank the firefighters of our country for the tremendous and courageous work they do. They are first responders who put their lives at risk every day to assist, save and protect Canadians.

Listening to the news this morning, I was reminded of the tough work that firefighters do with the recent fire situation in British Columbia. With warmer-than-usual temperatures this spring, the wildfire season in B.C. has already begun. Yesterday, the Peace River Regional District in northern British Columbia declared a state of emergency. The district reported 48 fires burning in the region. The BC Wildfire Service has also reported fires in Dawson Creek and near Burns Lake. Our thoughts are with the residents of those communities, the citizens that have been evacuated and the firefighters who are tirelessly responding to the fires.

Forest fires are common in British Columbia, and firefighters are on the front lines to mitigate the damage caused to communities and, ultimately, to put out the fires. Over the past few years, in meeting with firefighters from B.C. during their annual visits to Parliament Hill, I've learned that changes made by the Canadian Commission on Building and Fire Codes in 2005 amended the code, and that "firefighter safety" was inadvertently removed in the revision of the code that year. The code is revised every five years, and subsequent revisions of 2010 and 2015 did not reinsert "firefighter safety," either.

In 2010, when firefighters participated in the code amendment process to reinsert "firefighter safety" back into the code, the change was dismissed by the CCBFC, stating that firefighters were already protected by the clause "building occupants."

Honourable senators, firefighters are not building occupants, but quite the opposite: Building occupants flee a burning and collapsing building, while firefighters go into the building and put their lives at risk to find building occupants who are trapped and would otherwise perish without their assistance. Most of the time, the occupants that firefighters save are the most vulnerable: seniors, individuals with disabilities, children and anyone trapped and unable to get out.

Firefighters are not building occupants and need a separate, distinct clause to reflect their role. Lack of consideration for their safety within the code has resulted in the construction of newer homes that burn more quickly than other structures. For example, the composition of new, light-weight materials is causing new houses to burn hotter and faster than houses in the past, causing floor assemblies to collapse within 10 minutes of catching fire.

In these cases, the code's current coverage of occupant safety does not allow enough time for firefighters to do their job safely. That is why the inclusion of "firefighter safety" is so important; it would provide firefighters more time to go into buildings and save occupants who may not be able to escape on their own.

Honourable senators, please join me in standing firmly with our firefighters to urge the current government to ensure "firefighter safety" is clearly articulated in the code. Our brave and selfless firefighters and their families deserve our support and gratitude for their dedication and service to all Canadians.

WORLD INTELLECTUAL PROPERTY DAY

Hon. Joseph A. Day: Honourable senators, World Intellectual Property Day, mandated by the World Intellectual Property Organization, an agency of the United Nations, is one week from today on April 26. Intellectual property is, as honourable senators will know, a legal right of ownership of creators.

In recognition of this day, you are invited to attend the annual Intellectual Property Institute of Canada's parliamentary reception tonight at any time between 5 p.m. and 7 p.m. in Room 256 S of Centre Block. This event showcases four prize-winning secondary school projects from local schools. In previous years, those attending have been astounded by the remarkably high and dynamic level of creativity being produced by extraordinarily talented young Canadians who reveal a wide variety of innovative experiments and proposals. We can continue to be very proud of these students. They are clearly the innovators of the future.

• (1410)

Surely there is nothing more important or timely for the development of innovation in Canada than the ongoing leadership and support provided by the Intellectual Property Institute of Canada and the practitioners. The institute brings a balance and coordination to the essential ongoing ingredients of innovation, namely patents, trademarks, industrial design and copyrights.

Canadian intellectual property practitioners from coast to coast to coast are in the forefront of the renewal of Canadian productivity. Their dedication to the promotion of excellence and technical advancement in our relentless efforts to punch above our weight internationally in a wide range of innovative challenges speaks to the good health and high standard of Canada's intellectual property regulatory framework.

The Intellectual Property Institute of Canada is in the forefront of the maintenance of good regulatory housekeeping across the nation, while at the same time engaging in significant issues that enhance the confidence of both practitioners and government regulators. They are one of our unsung heroes that too often we take for granted.

Federal government funding for innovation took a prominent place in the new federal budget of a few weeks ago. There is a long-term commitment to spend \$800 million over four years, beginning next year, in regions where there are partnerships between industry and universities. Universities will be given \$2 billion over a three-year period to pay for 50 per cent of major infrastructure projects. Another \$95 million is going to be spent on research granting councils. As well, the government has pledged to develop a broad performance-based framework for business accelerators and incubators across the nation.

Honourable senators, I do hope that you will have an opportunity to drop by between 5 p.m. and 7 p.m., in room 256-S, and wish these young innovators of the future the very best and congratulate them on the work that they've done.

INDEPENDENT SENATORS

Hon. Leo Housakos: Honourable senators, having served as Speaker of the Senate, I have a far deeper understanding of and appreciation for the need to maintain egalitarianism amongst senators, regardless their political affiliation or lack thereof. My record as Speaker, both inside this chamber and out, speaks for itself. My rulings were not dictated by what caucus a senator was or wasn't affiliated with, and my door in the Speaker's corridor was open to all.

I conducted myself in this manner because I so strongly believe every senator has been named to this institution based on merit. Furthermore, every senator has a role to play and a great deal to contribute to the work we undertake here.

While it is true that we find ourselves having to navigate through murky waters as we are forced to accommodate the agenda from the governing party in the other place, let it not be said that we are unwilling to accommodate, encourage and support our newly appointed colleagues in being full, contributing members of this institution.

This Parliament has already taken steps, the likes of which have never before been seen, to ensure independent senators are represented in all our work here in the Senate, including committees.

Although no new senators had yet been appointed when the Selection Committee was struck for this new Parliament, the committee was cognizant of the new reality of things to come.

Committee spots were open to existing independent senators and indeed were filled by the likes of Senator Demers, Senator Cools and Senator McCoy. As a matter of fact, Senator McCoy not only sits on the Modernization Committee but is the third member of steering.

Then there are the various subcommittees that independent senators have been invited to sit on. It's unfortunate that some independent senators have repeatedly chosen not to accept those invitations.

Now, this Parliament is going even further, as we saw yesterday, with a joint news release from the Leaders of the Opposition and the Liberal Caucus, Senator Cowan and Senator Carignan. Ongoing consultations have resulted in both caucuses agreeing to each give up one spot on every committee, regardless of size, to be filled by independent senators. That includes the Standing Committee on Internal Economy, Budgets and Administration, of which I am chair, a committee that is transparent and accountable in all our decisions, all of which are recorded in public accounts.

However, if that's not enough, all senators, whether affiliated or unaffiliated, have always been welcome to participate in our meetings, just as independent Senator Elaine McCoy does regularly. Not to mention, newly independent Senator Larry Campbell is already a full member of CIBA. And we look forward to adding to that when the Selection Committee reconvenes.

INTERNATIONAL DAY OF PINK GALA

Hon. Mobina S.B. Jaffer: Honourable senators, on April 13, 2016, I was proud to speak at the International Day of Pink Gala. The event celebrates the efforts of youth, community and business to stand up to homophobia, transphobia and bullying in our community. I was proud to wear pink along with over 10.2 million Canadians from coast to coast.

This year, the theme was dialogues. The organization behind the Day of Pink, the Canadian Centre for Gender and Sexual Diversity, organized over 30 conversations with youth and mayors in municipalities across our country.

As you know bullying, hate and oppression remain major problems in our schools, communities and workplaces.

To celebrate this day, the centre held a gala with over 600 people in the nation's capital. I was honoured to be one of the award presenters recognizing local, national and international activists for the work in our community.

I would specifically like to recognize Kim Katrin Milan for her work on trans and queer issues in Black communities and people of colour communities. I would also like to acknowledge our American award recipients, Nance Lomax and Suzanne Poli, who stood up at the Stonewall riots in New York in 1969.

The event included Senator Nancy Ruth; Minister Ralph Goodale; and MPs Randy Boissonnault, Pam Goldsmith-Jones, Kamal Khara, Bernadette Jordan, and Randall Garrison; as well as Ambassadors from Australia, Costa Rica, India, Germany, Spain, the Netherlands and the United States.

[Senator Housakos]

I would also like to make a special note that this campaign and this program were organized entirely by youth. I would especially like to acknowledge the work of Emily Fergusson in creating and organizing the International Day of Pink's campaign this year and her work from coast to coast to coast.

As we all know, there are special people who, year after year, raise our awareness on issues of homophobia and transphobia. Jeremy Dias has worked tirelessly, especially on behalf of young people. I salute all of Jeremy's work for all the young people to be heard.

Honourable senators, homophobia and transphobia are not problems we can legislate. The truth is that we must reach the hearts and minds of Canadians to create lasting change. This involves dialogues, training and an ongoing commitment. This work is not a destination; rather, it requires an ongoing commitment from each of us to challenge ourselves and the individuals around us to improve our behaviours and actions. We each need to look into our hearts and ask ourselves, "How can I help someone today?"

Bullying prevention is not about reaching a goal, but rather like recycling every day. It requires ongoing education, attention, learning and passion to keep at it so that everyone can feel safe, respected and loved, no matter where they are in our country.

[Translation]

As senators, we have a responsibility to promote diversity and respect within our communities. To me, that means listening to everyone, especially young people who need our support. During these tough times, our young people are certainly at risk and need our attention.

[English]

I urge all honourable senators to join the conversation by hosting a Day of Pink dialogue in April 2017.

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY SUBJECT MATTER

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-14, An Act to amend the Criminal Code and to make related

amendments to other Acts (medical assistance in dying), introduced in the House of Commons on April 14, 2016, in advance of the said bill coming before the Senate;

That, notwithstanding any provision of the Rules or usual practice, the committee be authorized to meet for the purposes of this study at any time the Senate is sitting or adjourned;

That the papers and evidence received and taken by the Special Joint Committee on Physician-Assisted Dying, during its study and review of the framework for legislation on physician-assisted dying, be referred to the committee for its study of the subject matter of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying); and

That, notwithstanding usual practices, the committee be authorized to deposit with the Clerk of the Senate its report on this study if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

• (1420)

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REGIONAL ASSEMBLY OF THE AMERICA REGION,
JULY 27-31, 2015—REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) on its participation in the 31st Regional Assembly of the America Region of the APF, held in Lafayette and Lake Charles, United States, from July 27 to 31, 2015.

BUREAU MEETING, JANUARY 28-30, 2016—
REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) on its participation in the bureau meeting of the APF, held in Siem Reap, Cambodia, from January 28 to 30, 2016.

MEETING OF THE EXECUTIVE COMMITTEE AND
MEETING OF THE NETWORK OF WOMEN
PARLIAMENTARIANS, FEBRUARY 24-26,
2016—REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) respecting its

participation at the meeting of the Executive Committee and at the meeting of the Network of Women Parliamentarians of the APF, held in Tangier, Morocco, from February 24 to 26, 2016.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY THE CHALLENGES ASSOCIATED WITH ACCESS
TO FRENCH-LANGUAGE SCHOOLS AND FRENCH
IMMERSION PROGRAMS IN BRITISH COLUMBIA AND
REFER PAPERS AND EVIDENCE FROM ITS STUDY ON
BEST PRACTICES FOR LANGUAGE POLICIES AND
SECOND-LANGUAGE LEARNING IN CONTEXT OF
LINGUISTIC DUALITY OR PLURALITY DURING
THE SECOND SESSION OF THE FORTY-FIRST
PARLIAMENT TO CURRENT SESSION

Hon. Claudette Tardif: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report on the challenges associated with access to French-language schools and French immersion programs in British Columbia;

That the papers and evidence received and taken, and work accomplished by the committee on its study of best practices for language policies and second-language learning in a context of linguistic duality or plurality during the Second Session of the Forty-first Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than December 15, 2016, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

QUESTION PERIOD

INTERNATIONAL COOPERATION

CANADA-PANAMA FREE TRADE AGREEMENT

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The G20 finance ministers met from April 14 to 16 to discuss the possibility of drawing up a blacklist of countries that promote tax evasion. According to reports we received, France, Germany, the United Kingdom, Italy and Spain are willing to create a blacklist of tax havens. However, Canada has been reticent in that regard.

My question is the following: Why is Canada refusing to participate in the creation of a blacklist of countries that promote tax evasion, such as Panama?

[English]

Hon. Peter Harder (Government Representative in the Senate): Thank you for the question. I will take note and respond through the tabling of delayed responses.

[Translation]

Senator Carignan: Leader, I would like to point out that according to the joint press release issued by the finance ministers, they mandated the OECD to identify non-cooperative jurisdictions by July. What is more, G20 members will consider using defensive measures. Leader, what defensive measures are the Minister of Finance and the Government of Canada planning to take against countries that promote tax evasion?

[English]

Senator Harder: Again, I take note of the question and will respond appropriately.

[Translation]

Senator Carignan: As you know, Canada concluded a free trade agreement with Panama, a country that promotes tax evasion. As part of the defensive measures that might be taken, would Canada consider rescinding this free trade agreement or the conditions that promote trade with Panama?

[English]

Senator Harder: Again, I thank the senator for asking this important question and I'll respond in written form.

PUBLIC SAFETY

FIREFIGHTERS

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for the Leader of the Government in the Senate.

Leader, the firefighters who are present in the chamber with us today, their B.C. colleagues and firefighters across Canada deserve to know that their safety is paramount. It has been more than 15 years since “firefighter safety” was inadvertently dropped from the National Building and Fire Codes. Firefighter safety must be addressed separately, very specifically, rather than just through occupant safety. Firefighters go into very dangerous situations, which is the opposite of what normal people or building occupants do.

Leader, when and how will the government correct this oversight in the National Building and Fire Codes? What will the government do between now and 2020, which is when the next revised code will be published, to ensure that “firefighter safety” is reinserted into the code?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question, as well as for the recognition given to our guests in the statements by

senators. I will inquire into the question posed and respond accordingly.

Senator Martin: Would you also ensure that we have an answer regarding the consultation process and that firefighters are duly consulted so that this oversight doesn't happen again? It's been over 15 years. The revisions happen every five years. It is critical that firefighters and their families not be asked to wait another five years for “firefighter safety” to be reinserted because it was inadvertently dropped. It's a long time to wait, leader, and I'm wondering if that is indeed how long they will have to wait for this to be corrected.

Senator Harder: I will inquire and respond to your question.

THE SENATE

ROLE OF GOVERNMENT REPRESENTATIVE

Hon. Donald Neil Plett: My question is for the Leader of the Government in the Senate. I hope this is a question that can be answered today.

Leader, you have repeatedly stood in this chamber and called yourself the Government Representative in the Senate. You have also stressed that you are an independent and therefore have no caucus. Yet last week, at the Standing Senate Committee on Internal Economy, Budgets and Administration, you asked the Senate for a budget similar to that of the former Leader of the Government in the Senate, a leader at that time with a caucus of approximately 50 senators to manage.

• (1430)

I've also been notified now that you have approached Senate accommodations to inquire about office space and whether you are entitled to the same office space as the former Leader of the Government.

Leader, given that you have no political agenda as an independent and you have no caucus to manage, would you be able to tell this chamber why you would need the same amount of office space and, indeed, the same budget as someone who had 50 members of a caucus?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I did appear before the Standing Committee on Internal Economy, Budgets and Administration on the question of budget, and as I indicated there, the role of Government Representative in the Senate — which is often referred to as the Leader of the Government in the Senate — is multi-faceted. It is not particularly dependent on a caucus or the size of the caucus that is behind that role. The role has a lot to do with legislation in the chamber, with ensuring that ministers and the relationship between the government and its legislation are well reflected in the work of this chamber, and that the work of this chamber is reflected at the centre of government in cabinet.

As my predecessor, while not a member of cabinet, I am a privy councillor and participate as appropriate in the considerations that are relevant to my work in cabinet. The ongoing

communications and legislative work in my function are the ones for which I would seek the level of support that my predecessor enjoyed.

Senator Plett: Well, thank you, leader, for that answer as opposed to the other answers we've had here so far.

Further to that, I would like for you, if you could, to tell the chamber — I know the Prime Minister sent you a letter telling you that you were in fact the government leader but that you should refer to yourself as Government Representative.

Would you be able to explain to this chamber — because I am of the opinion that as a government leader, many of the things that you have asked for are possibly justified, if at least you had a caucus. Now, again, you don't; you're a caucus of one, so you don't have the same responsibilities as a government leader.

Again, what is the difference between a government leader and a Government Representative? I would choose to say that all of us — I think I'm a representative of the Conservative Party of Canada, and prior to us losing the election, I was also a representative of the government in the Senate. Now, maybe I'm mistaken in that.

Senator Harder: I cannot speak for you, senator, obviously. The Prime Minister has asked in correspondence with the Speaker of this chamber, me and the leaders of the opposition that I refer to myself as the Government Representative in the Senate to reflect the changes that he has brought to the workings of this institution in the appointment process and to de-partisanize and de-emphasize the partisan basis of appointments and proceedings in this chamber.

INTERNATIONAL COOPERATION

CANADA-PANAMA FREE TRADE AGREEMENT

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Leader, I would like to return to the question of the Canada-Panama Free Trade Agreement, which I understand you're going to be doing some research on.

As I'm sure you will recall, the negotiations for that agreement began in October 2008. The agreement was concluded in August 2009 by the President of Panama and the then-Prime Minister of Canada, Mr. Harper, and it was signed by the two countries' trade ministers in May 2010.

So my question is, can you please ascertain very precisely for us what, if anything, that free trade deal, which was so carefully negotiated, actually said about banking secrecy, exchange of tax information, that whole area?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and can assure her that I will inquire.

THE SENATE

ROLE OF GOVERNMENT REPRESENTATIVE

Hon. Leo Housakos: I have a supplementary question to the question put forward by Senator Plett in regard to the government leader in the Senate.

I wonder if the government leader in the Senate would concur with our understanding on this side that the Parliament of Canada Act clearly recognizes, in a very distinct way, officers of this chamber, for example, the Leader of the Opposition and the Leader of the Government in the Senate.

Again, could you elaborate further the desire of the Trudeau government to be disrespectful to the Parliament of Canada Act? Furthermore, is there a wish on the part of this government to open the Parliament of Canada Act for reform and changes?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question.

I would like to respond by saying that the letter that I referenced from the Prime Minister was clear with respect to referencing appropriately the act and the title of government leader in the Senate. So there is no disrespect intended at all, but there is an expectation that the referencing of my role as Government Representative in the Senate reflects a point of view with respect to the conduct of this office that is in accordance with the characteristics I described in my earlier answer.

And it is not, as I've indicated elsewhere, unusual for ministers of the Crown — in this case, I know I'm not a minister of the Crown — to be referred to in titles or offices with a different nomenclature than that of their legal entity. It is in that spirit that the Prime Minister is asking that I be styled as Government Representative in the Senate.

Senator Housakos: Leader, you are the torchbearer of the government in this legislative body, in the upper chamber of Parliament. We are a house of laws, and I think you will agree that style of language has a huge impact in laws. Of course, as a senior former *haut fonctionnaire*, you appreciate that the style of language in crafting laws is fundamentally important. So when we try to change that style of addressing one of the highest officers in this chamber without amending the Parliament of Canada Act, surely I think you would agree it would have some sort of an impact.

Senator Harder: I note the honourable senator's point of view.

Hon. Serge Joyal: Would the honourable government leader and styled Government Representative accept another question in relation to this subject?

Senator Harder: Absolutely.

Senator Joyal: Senator Harder, I have to tell you that when I had the opportunity to read the letter you referred to from the Prime Minister of Canada appointing you as government leader,

styled Government Representative, I noticed that a copy was sent to the Honourable Speaker, one to the Clerk of the Senate and one to the Leader of the Opposition but not to the Leader of the Senate Liberals.

To tell you the truth, I was offended. I said to myself, if the government was rational and coherent in structuring the participation of the various political groups in the chamber, there is a party officially linked to the Conservative Party of Canada, there is an independent Liberal caucus with absolutely no link to the government caucus in the other chamber, and there is now a growing group of independent senators who we can expect in the future might want to give themselves a convener on the basis of what exists in the House of Lords, which is somebody to represent them in the organization of the work of this chamber.

This group here, the independent Senate Liberals, is organized. We have a leader. We meet and discuss the government agenda and the house agenda and we try to contribute to the best of our knowledge and expertise. I noticed that in the letter appointing you as government leader, styled Government Representative, our group was totally omitted even though we are organized. I would have expected that if the independent senators had the opportunity to work with a convener, they would also be informed of you being the government leader and the Government Representative. However that message letter is phrased, we don't exist in the mind of the Prime Minister as senators who are devoted enough in this chamber to assume the fair responsibility in the review of legislation and the discussion of policy issues.

• (1440)

How do you explain that our leader was not informed that you were appointed government leader, styled "Government Representative"?

Senator Harder: I thank the honourable senator for his question. He raises a very important point.

Obviously, I was not involved in the drafting of that letter and received it contemporaneously with other recipients. In keeping with my appropriate role of representing the views of this chamber to the government, I will of course raise your concerns, along with the comments that have been made and implied by the questions from others, to the government so that they are aware of the concerns that have been brought to this house.

PUBLIC SAFETY

POTENTIAL ELECTROMAGNETIC PULSE ATTACK

Hon. Daniel Lang: Honourable senators, I would like to move on to another subject. First, I would like to add to the statement that was made by Senator Housakos earlier about the participation of the newly appointed independent senators in this chamber. I was very pleased to welcome the newly appointed independent Senator Frances Lankin to the proceedings of our committee yesterday, where she participated as a senator.

I now want to move on to a question about which my office gave notice to the government leader's office earlier today. It is an issue that was raised in the previous week during the course of our committee hearings, as well as yesterday. That is, the significant threat that North America faces, referred to as an electromagnetic pulse attack in North America.

Yesterday, witnesses appeared before our committee who described that threat as "the biggest existential threat that our civilization faces right now" and further it has the potential, according to those witnesses, "of rendering various regions of North America without electrical power for as long as a year," which would cause, obviously, major economic and social havoc in our society.

The first question that I have to Senator Harder as the government leader is this: Is the electromagnetic pulse threat from a natural cause, such as a solar flare or a nuclear explosion, and are the risk mitigations in the face of that threat a priority for the newly elected government? If so, can you update this house as to what steps they are taking to confront it?

Hon. Peter Harder (Government Representative in the Senate): I would like to thank the honourable senator for giving my office notice of the question. Unfortunately, the question arrived in my office just after lunch. I sought to see if I could get a response in time for Question Period, but it has not yet arrived.

I can assure the honourable senator that I will endeavour to find out that answer to this important question as soon as possible.

Senator Lang: I have a supplementary question. I would like to pursue this further. First, if I could add a preamble, I know that there has been some question of the relevancy of Question Period. The issue that I'm raising in this chamber today is one that I'm sure is not being raised in the House of Commons. I think it's very important that there be a public conversation on issues like this. This is what this chamber can do for the purpose of serving the public that we have been put here to represent.

I want to go a little further on the question of the electromagnetic pulse issue. Last week, representatives of the government informed our committee that the information that was available to them within the government was deemed classified and that they could not speak in any very real terms on the implications of such a threat to the general public because of the nature of its classification for government.

That is not uncommon, honourable senators, because that particular classification stood for many years in the United States — until about 14 years ago — and then it began to be made public that there was a real threat to society called an electromagnetic pulse attack. Subsequently, they have had an ongoing public conversation for 14 years and they've had one commission that brought forward recommendations. They are now reconstituting that commission to further study and see what can be done with respect to working with those involved in providing us with the electrical grid and all the energy that we consume as a civilization.

When the government leader goes back to his colleagues, could he also bring back the response to the question that I'm going to put now: When are they going to declassify the question of the information on the electromagnetic pulse as it pertains to Canada so that we can truly start that public conversation?

Senator Harder: I would like to assure the honourable senator that I will seek an answer to that question as well.

THE SENATE

TITLE OF GOVERNMENT REPRESENTATIVE

Hon. Anne C. Cools: Honourable senators, I would like to welcome Senator Harder to the Red Chamber. I would like to put a very simple question to him and one that has been on many of our minds.

The Senate is an ancient institution. As we know, it is one of the three constituent parts of the High Court of Parliament, but the Senate has always historically and traditionally been a part, if not the whole body, that selects and chooses the titles and the nomenclature for its officers. For example, the Clerk of the Senate couldn't tell us tomorrow that he is no longer the Clerk of the Senate. He is the "Senate whatever."

Did the Senate or senators have a role whatsoever in the selection of this term "Government Representative"?

Hon. Peter Harder (Government Representative in the Senate): I would like to thank the honourable senator, who has served in this chamber so honourably for so long, for her question.

To the best of my knowledge, that is not the case — nor, by the way, was I consulted. I was well informed by the Prime Minister and happy to assume the stylized name.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

CRISIS ON RESERVES

Hon. Don Meredith: Honourable senators, see the crisis in Attawapiskat and we see the newscast of these young people taking their lives. Can the Government Representative update this chamber on what the government is doing to deal with this situation and crisis that we see continue to plague First Nations across this country?

I believe that our youth are not just a percentage of Canada's population but 100 per cent of our future and I wonder what the government is doing to deal with this crisis decisively.

Hon. Peter Harder (Government Representative in the Senate): I would like to thank the honourable senator for his question and, along with all Canadians, underscore the importance of the issue that he has appropriately raised.

As honourable senators know, there have been a number of senior government representatives — ministerial and otherwise, as well as members of the House of Commons — who have both visited and made comments with respect to commitments. Those commitments are ongoing and being reviewed. I would be happy to update the honourable senator on the latest statements coming from the ministers responsible.

[Translation]

FOREIGN AFFAIRS

INTERNATIONAL HUMAN RIGHTS REPORT

Hon. Thanh Hai Ngo: My question is for Senator Harder. The new Trudeau government has been inconsistent when it comes to applying Canada's international policy on human rights, and Canadians are having a hard time seeing human rights as a government priority.

Since November 2015, the government has done business with some of the worst human rights violators in the world, relegating those rights to the background.

The publication of reports on human rights keeps us honest with ourselves and with the rest of the world. The Prime Minister asked Minister Dion to be transparent and rigorous when it comes to the reports that the Government of Canada publishes on the human rights situation in various countries.

My question is this: When does the Trudeau government plan to present Canadians with thorough and detailed reports on the human rights situation in countries like Saudi Arabia, Vietnam, Russia, Bahrain and Iran? Furthermore, what kind of human rights assessments are being conducted?

• (1450)

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question and will be responding through a written statement.

Senator Ngo: The question I'm asking is this: Could you give us at least a timeline of when the government has the intention to present the report to the Canadian people?

Senator Harder: I do not have that information at hand and will ensure that it is part of the response to the honourable senator's question.

[Translation]

INDUSTRY

BOMBARDIER INC.—GOVERNMENT SUPPORT

Hon. Claude Carignan (Leader of the Opposition): Leader, we read in the papers this morning that Dominique Anglade, Quebec's Minister of Economy, Science and Innovation, is urging the federal government to take meaningful action to help Bombardier, an extremely important Canadian company. Can you tell us what meaningful action the government plans to take to support this major Canadian company?

[English]

Hon. Peter Harder (Government Representative in the Senate): I would like to thank the honourable senator for his question. The issue that you raise is broadly shared by the government — the importance of the company — and the issue is under active consideration by the government, and I'm sure a decision will be forthcoming and announced by the appropriate ministers.

[Translation]

Senator Carignan: Can the Leader of the Government tell us what meaningful action the government is considering to help Bombardier?

[English]

Senator Harder: Your Honour, I think it would be inappropriate for me to speculate on what the government might or might not be considering with respect to this issue. I will endeavour to ensure that this house is brought up to date as soon as possible once a decision is made.

[Translation]

FOREIGN AFFAIRS

EARTHQUAKE RELIEF FOR ECUADOR

Hon. Claude Carignan (Leader of the Opposition): The government has seen the scope of the recent earthquake in Ecuador. In the past few hours, we learned of the death of two more Canadians as a result of this disaster. However, your government has announced \$1 million in assistance in response to this catastrophe. I see this as more of a symbolic gesture than a real gesture to help the people of Ecuador deal with this terrible tragedy. Does the government plan on offering more assistance to this country? If so, how much and when?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, I would like to thank the honourable senator for his question. It's not unusual for governments in these situations to make an initial announcement with respect to assistance and await the engagement with both the Government of Ecuador and other like-minded organizations and countries to better assess the needs of the Ecuadorian people. I have spent time in Ecuador and worked in Ecuador, and I would like to share with the honourable senator that the loss of life and property in Ecuador is a tragedy that we all recognize.

ORDERS OF THE DAY

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Donald Neil Plett: I want to rise on a Point of Order, if I could, Your Honour. I do this with a great deal of trepidation. In seven years, I have not done something like this, and I want to say, Your Honour, it is with some reluctance as I have the highest regard for Your Honour. However, I think this is something I need to do.

Your Honour, since its beginning, the Senate has operated on the foundation of legislation, rules and convention. All have played a role in the evolution and effective running of this institution. In accordance with the rules, as stipulated in the *Senate Procedure in Practice*, as well as long-standing convention, Senator Munson and I, as the two whips in the Senate, agreed last week to a seating plan, which accounted for the seating of the Conservative senators and the Senate Liberals, as well as all of the independents.

This seating plan, again, according to the rule, precedent and tradition, was submitted to the Usher of the Black Rod to be implemented forthwith. It should be noted that, in accordance with convention and tradition, Senator Munson and I had seated the independents according to precedence, which is based on seniority, with the exception, of course, for logistical accommodations made for Senator Petitclerc, as well as for Senator Lankin as a member of the Privy Council. We did not, however, form imaginary caucuses based on date of appointment.

After our submission, the Speaker of the Senate intervened with respect to the seating of the newly appointed independents and seated them as a caucus. This consideration, I should note, was not afforded to any of the other independent senators, even though all new appointees are as independent as the other independent senators in this chamber. When I asked the Usher of the Black Rod why the seating arrangement had been changed from the seating plan that Senator Munson and I had submitted to him, he said that he had been led to believe by the Speaker's

office that a consensus had been reached between the Speaker and the whips, and, as you know, Your Honour, that, of course, was not the case.

For reference, the rule is found in the *Senate Procedure in Practice*, under “The Leadership and Political Structures,” and it reads as follows:

Finally, the whips determine where members of their respective parties will sit in the chamber and communicate any changes to the Usher of the Black Rod, who adjusts the seating plan accordingly.

As this provision is found in the *Senate Procedure in Practice*, rather than the *Rules of the Senate*, I refer the chamber to rule 1-1(2) of the *Rules of the Senate*, which states:

In any case not provided for in these Rules, the practices of the Senate, its committees and the House of Commons shall be followed, with such modifications as the circumstances require.

Colleagues and Your Honour, not only is this rule implicit in the *Senate Procedure in Practice*, but the application section of the *Rules of the Senate* is explicitly clear in affirming that, when any case is not provided for in the rules, the practice of the Senate must be followed. The Senate is based on a system of rules and convention, and, Your Honour, when you change a convention, you are starting in essence a new convention. So I’m wondering if it is the Speaker’s intention to start any new conventions. I believe that this chamber should be notified if that is the case.

If it is a new convention that the newly appointed senators will be seated at a higher precedence than other independent senators with more seniority and that the seating of independents in the chamber will be unilaterally arranged by the Speaker, that intention should be communicated and explained to this chamber and allowed to be debate.

As it stands, this action is outside of the Rules and convention of this chamber, and, for that reason, I ask that the seating chart submitted by Senator Munson and myself be implemented forthwith, with the independent senators seated in the order of precedence and seniority, and that the Speaker, with all respect, not interfere in issues that are there for the entire Senate to decide.

Hon. George Baker: Your Honour, I know the honourable senator has quoted from the Rules as they stand; there is no doubt about that.

While he was speaking, I had a look at the *Companion to the Rules of the Senate*. It points out the importance of rule 2-1:

• (1500)

2-1. (1) The Speaker shall:

- (a) preside over the proceedings of the Senate;. . .
- (c) preserve order and decorum.

The preserving order section of the Rules was inserted relatively late. I refer to the *Companion to the Rules of the Senate of Canada*, at page 10, where it says:

However, a series of incidents in the 1890s and the early years of the twentieth century led to a re-evaluation of this position and, eventually, a desire to give the Speaker more authority. By changes adopted in 1906 the Speaker received authority to preserve order.

Then, when you go on to where there is a conflict, it says, on page 11:

Procedural matters referred to in this Code that are expressly provided for in the *Rules of the Senate* are under the jurisdiction and authority of the Speaker . . .

Then it goes on to say:

The actions of the Speaker may not be criticized in debate . . .

And I’m not raising this as a central issue to the honourable member’s statement.

The actions of the Speaker may not be criticized in debate or by any means except by way of a substantive motion. Such motions have been moved against the Speaker or other Presiding Officers on rare occasions. Reflections on the character or actions of the Speaker — an allegation of bias, for example — could be taken by the House as breaches of privilege and punished accordingly.

Then it goes on to say:

The Speaker is the servant of the house, assisting it in conducting its business in an orderly manner that balances, as far as possible, many divergent interests.

There, Mr. Speaker, I point out the obvious, and that is that the Rules of this place were devised at a time when we had political parties controlling the procedures in this place and that we have had a substantive change in the procedures in this chamber with the appointment recently of independent members, to be increased as time goes on.

So I think, senators, if we were to assign the authority of political parties to the whips only in this place, that would be inherently unfair to independent members.

Now, you might say, “Well, perhaps the matters where there is conflict such as this in procedures, the Rules say the Speaker is the final determining agent, that maybe this should be referred to a committee like the Rules Committee.” But again, the Rules Committee, in our circumstances today, is again not made up of an equal share of independent senators.

I make that point to say that whereas the whip for the Conservative Party is correct in his interpretation of the Rules, I think that this chamber should take judicial notice of the fact that

the chamber has changed substantially and the Speaker, under the renewed authority given to him under the Rules, he or she should have the discretion to make judgments where the Speaker finds that in order to preserve the proper order of the place — order and decorum — that his authority lies in making final decisions, especially on seating, and in some other cases perhaps, where we have our independent members who deserve to have a place in any decision-making body.

The authority resting on the shoulder of the Speaker, according to our Rules, say that he must maintain that order and decorum, and I think that his authority should be used in circumstances such as this.

Hon. Serge Joyal: I want to take part in this debate because it raises a very important principle that is at the root of the functioning of our institution. It could seem easy to say, “Oh, well, it’s like a hockey game, the red on one side, the blue on the other side, there is the skating rink and everybody jumps into the middle and tries to score goals on the adverse team.”

Well, the Senate is not exactly a skating rink. The Senate, essentially, has been conceived like the House of Lords, which inspires its sitting, as being the emanation of parties that form government and the loyal opposition.

The essence of the responsible government is that the government has to maintain the confidence of the chamber and the confidence of the chamber is measured by the vote of the government supporters on budget bills. That’s where the government rises or falls. If the government loses a vote on a budget bill, immediately the representative of Her Majesty, called the Leader of the Loyal Opposition — that’s the name, the loyal opposition — to immediately form a government, because there is a need of a government, a party, to advise Her Majesty how to exercise her legislative and executive power.

Read section 9 of the Constitution. The executive power is vested in Her Majesty. Read section 91. The power is exercised by Her Majesty on the advice and consent of the Senate and of the House of Commons.

We are an integral part of the exercise of the power of Her Majesty. When we sit in this chamber, we sit to incarnate that specific idea that there is a government side and there is an opposition side.

We are facing a different situations now. There is the situation of a group of independent senators that form a reasonable group within our Senate, within our chamber and yet those senators have not decided to elect a convenor, that is, a senator who would be responsible to organize their participation in the legislative work of this chamber and the policy debate of this chamber.

Yesterday, honourable senators, those of you who participated in the sitting of the Modernization Committee — I see Senator Frum, Senator Pratte, Senator McCoy, Senator Cools, Senator McInnis, Senator Tardif — we heard, through video conference, the leader in the House of Lords call the convenor of

the independents, Lord Hope of Craighead. We questioned him extensively for two hours on how the cross-benchers, the independent group in the Lords, are organized.

Honourable senators, they are organized like the Tories are organized, like we are organized as independent senators. They have somebody to lead them, that is, to organize their participation in the debate. It is this lord who meets with the lord representing the Tories, the Lib-Dems and the Labour who meet regularly each week to organize the agenda of the work to make sure that all the committees are staffed, to make sure that those who are not there are replaced, those who are sick are replaced and to make sure everybody has a say in the work of the Lords. They do that in proportion with their numbers, which seems to be fair and logical.

What kind of problem do we have to address today in sync with that? In the House of Lords, how do the cross-benchers sit? How do the independents sit in the House of Lords? The name describes the place where they sit. They are called “cross-benchers,” and there are two benches that bridge them, one being the parties’ side. There are three sides in the House of Lords, which I mentioned, plus the cross-benchers. The cross-benchers sit between the two sides. If we follow that model, we would have to rearrange the seating here to place a certain number of seats in front of the bar to have the cross-benchers sit over there. That would be the model of the House of Lords.

• (1510)

Lord Hope appeared before the committee yesterday — Senator Carignan was in attendance — and described that clearly. He spoke about the Woolsack for the Lord Speaker, the table for the Clerk of the Parliaments, and so forth. Those of you who have visited the House of Lords or who have seen a picture on a postcard of the House of Lords will know the configuration of the place.

How can we approach the issue of the seating arrangement in this place? Honourable senators, I suggest that we continue to do things the way we have done things in the past, which has served us well. How did we do things in the past? We have had the whips meet regularly and organize our way of doing things. Now there’s no doubt we will have to adjust to another way of doing things because there will be a group of independents. Sooner or later, the independents will have to elect from among themselves a cross-bencher — that is, a senator — to represent them in daily discussions to make sure they have a fair say in our proceedings and our debates. That’s the way to do things.

Meanwhile, we are in a state of limbo. With all due respect to Senator Harder, he’s not the convenor of the independents. It might seem like Chinese torture, but he is the Leader of the Government in the Senate, styled Government Representative.

With all due respect, Senator Harder, you cannot claim to represent the independents. You are independent yourself, but you have not been selected by the independents to be their convenor, the person responsible for organizing their work. It will come one day. I don’t know if you want to seek the job. One senator of the group will be selected, and that will make our

proceedings easier. Now we are in a process of transition, and we should understand where we are heading in the context of respecting the fundamental principles of this institution.

This institution is flexible. As I said in another speech before the arrival of the Leader of the Government, styled the Government Representative, we are on a path of change and the Senate in four years will be different than the Senate we know today. My colleague Senator Baker has outlined it in his various interventions.

Honourable senators, we'll try to find a temporary way, until the independents have a convenor, to discuss and resolve those things in a consensual way. That's the way we operate — consensus. Not everybody is happy, but at least we are half comfortable in the environment in which we operate, and we pay due respect to each and every senator. Honourable senators, that is the way to address this issue.

We should be very prudent about drawing the Speaker into those discussions, and I say that with all due respect for His Honour. Read the *Rules of the Senate*. The position of Speaker is symbolic. With their lack of respect, those kitchen discussions, in my opinion, would not serve the Speaker. Let's trust those who represent us. Let's invite the independents to identify a person from among themselves. For the time being, let's work the way we have always worked. We know there's a problem, but we have all the mindful resources of the senators involved in those discussions to find the solution.

Honourable senators, that's the best advice I can offer.

I apologize to Senator McCoy.

Hon. Leo Housakos: Honourable senators, I rise to speak on the point of order of Senator Plett. I heard with quite a great deal of interest my good friends Senator Baker and Senator Joyal, who both make interesting points. Indeed, Senator Joyal is absolutely right in that the Speaker of the Senate represents the Senate of Canada as well as all corners of this chamber. I know the Speaker is quite committed to representing us with a great deal of integrity and dignity, as he has done thus far.

It's also imperative to remind everybody that despite the rule that Senator Baker pulled and sort of stretched, which he does very well in a capable manner, we all recognize in this place that the role of the Speaker is somewhat different than the Speakers of other legislatures in this country, both in terms of the Rules and precedents. We also recognize that the role of the Speaker in this chamber is to be a barometer for consensus, as both Senator Joyal and Senator Baker pointed out.

Certainly, it isn't to see himself as a representative of one group more than the other. Honourable senators, to garner that consensus, it's imperative that you allow the traditions and Rules of this chamber to continue to go forward as we continue to adjust to the necessities of the changes going on right now. The independent senators in this chamber are more than capable of representing themselves. It's imperative to say that we breach a basic principle here when the Speaker starts interfering in the administrative aspects of this chamber.

Senator Baker is right: The fundamental role of the Speaker is decorum. Deciding where senators sit in this place and what offices they occupy is not a matter of decorum but rather a question of administration. The Senate is a self-legislated body — it's in our Rules and traditions. It has operated in that fashion for 150 years.

I remind colleagues of the supremacy of this chamber vis-à-vis our role and relationship with the Speaker in the House of Commons or any other provincial legislature. For example, towards the dying days of the last Parliament, this chamber overturned a decision of the Speaker, which can't be done in any other legislature. Clearly it underlines the supremacy of this chamber.

It's important going forward, honourable senators, that the Speaker, whoever may occupy that charge, never forgets the fundamental principle that he's a barometer for consensus; and consensus means allowing the groups, both the independents and the various caucuses in this chamber, to manage themselves, as was the point and principle of the design of this chamber based on the House of Lords in the Westminster Parliament.

Hon. Elaine McCoy: Honourable senators, I'm rising not so much on the argument but to put a couple of facts straight.

I always enjoy listening to my colleague Senator Joyal. He's passionate about this institution, and I have admired him for that ever since I arrived. I don't always agree with him, but I really enjoy his exposition of the institution as he understands it. But, this is one of those occasions on which I have three points of disagreement. But that's an independent for you, Senator Joyal.

First, we listened to the expert testimony of Dr. Meg Russell when she appeared before the committee on April 12, 2016. I read her testimony later. She said that the House of Lords existed way before there were parties. We have to be respectful and understand that the House of Lords has been an inspiration; it is not a precedent. We do have to understand that even early scholars — for example, A.V. Dicey in 1885 — remarked upon how little our Senate resembles the House of Lords.

• (1520)

Finally, I would like to say my research indicates that the first time the term "Her Majesty's Loyal Opposition" was ever used was in 1874.

There are some facts that I wanted to bring to your attention.

I would just like to point out, as you all heard on March 24, 2016, that some of my colleagues were kind enough to elect me as their facilitator. They decided not to call me a convener because that term does not translate well into French, so we used the term "facilitator," and it will, as things evolve, probably have a similar function. One of our core values is collaboration.

I would look forward to you, Senator Plett, and you, Senator Munson, coming forward and having discussions with us. We are all about the orderly transaction of business in this chamber and we are all about honouring our traditions. We do

not think we are here to obstruct the government; we think we are here for evidence-based consideration of not only legislation, but the various issues we raise ourselves in our investigative roles.

Hon. David Tkachuk: Honourable senators — and if you note, I used the term honourable senators and not Mr. Speaker, because, honourable senators, we're the ones who supposedly run this place — part of the problem is that I consider the Speaker my friend. We've known each other a long time, and if he had asked me ahead of time whether he should do this, I would have said, "No, no, don't do that."

We're here because the executive branch of the government has no idea what it wants to see in the Senate. It thinks that the way to do it is by continually interfering in the process. I am not against change. I would like to see change here, but surely if the government wants to see change, it should present it to the Senate and let us discuss and decide it. It's not up to the Prime Minister to decide how this place operates and then say to the public and to Canada that we should be more independent. We're not more independent right now. We're totally — I don't know — at the whim of the Prime Minister: "I'm going to appoint this guy and he's going to be called the Government Representative."

Senator Harder is the Leader of the Government in the Senate. You are what you are. You can't paint it and say it's something else when it is what it is.

We're not drawing the Speaker into this situation; the Speaker drew himself into this situation. It's a matter of convenience, it seems, that all of the seven appointees are in one group. Then we have the other group over here with the convener. Then we have Senator Cools, who should be sitting on the front bench. And then we have all the other senators who either aren't convened or are members of a political party, and they're sitting over there.

Surely, it took some planning to do this, whether Senator Harder was the one who advised the Speaker, the Speaker advised himself or, horror of horrors, there might have been some interference from the House of Commons, the PMO itself or the PCO.

I think this is a really important question. The whips are in charge of certain things and we all respect that, and I think that if there are changes to be made we should sit as a group and make those decisions ourselves. There is no one here who doesn't want to accommodate independents. People can come here and decide what they want to do. Some of them have said they want to be independent: Well, fine. We have a new situation, so let's solve the problem. It isn't up to the Speaker to solve the problem for us; it's up to us to solve the problem for the Speaker. It's up to us to advise the Speaker on how we want this place to run and for him to carry out those duties. We're not the House of Commons.

I support our whip in bringing this matter forward; I think it's important. I think when some of these matters are resolved, we can go about the business of the Senate instead of sitting here talking about where people should sit, which is a matter for the whips' and leaders' offices and not a matter for all of us to take up on the taxpayers' time.

Hon. Jim Munson: I can see the headline now: "Senators debate who sits where in Senate." Issues of Ecuador, bombings in Jerusalem, Aboriginal suicides; there are all kinds of other issues out there, and we've been here 40 minutes debating who sits where in the Senate.

There is no bad seat in the Senate. When I first came here 12 years ago, I remember many of what I would describe at the time, with great sincerity, as elderly senators — I'm going to be 70 in July — telling me: "Don't you think you can come in here and change things. This is the Senate of Canada. You had better pay your dues and pay attention." Well, to me, being told what you have to do and not have to do are only suggestions.

I listened to Senator Plett talk about what he said, and we did agree to what we thought was based on seniority and practicality as to where senators should sit. We did have that discussion. When Senator McCoy talks about being a facilitator and Senator Harder talks about looking for a whip, in hindsight the conversation should have taken place well before the swearing-in and the decision on where everybody sits.

It does beg this question: What was the rationale behind the present seating plan? I've sat everywhere here. I've sat way in the far corner over there. When we overflowed onto this side, I sat right behind Marjory LeBreton, which was wonderful because we could agitate and irritate her every day from two seats away. I enjoyed that.

It is about fairness. I would suggest that we revisit this and work collaboratively, because at the end of the day it does beg that question: What was the rationale used by the Speaker to place the new senators where they sit? It's as simple as that. Also, at the end of the day, just think about how privileged we are to be standing here and sitting here: There is no bad seat, so let's get on with our real business.

Hon. John D. Wallace: I agree with Senator Munson. As we listened to 40 minutes of discussion about seating, with all of the pressing issues that we should be focusing on, it does make one wonder. I can't help but think it's a follow-up to an issue that I found quite distracting and had to respond to in the media, dealing with my office space. Anyway, those are issues that seem to get the attention of some senators and we're forced to deal with them, but I think that's very unfortunate. I think it wastes our time.

One of the comments made by Senator Plett is that the draft seating arrangement that he and Senator Munson prepared was based upon seniority preference and that there had been some discussions or consultations with some of the newly appointed senators. But he seemed to suggest there was no consultation with independent senators, such as myself, who have been here for some time.

• (1530)

If Senator Plett is effectively trying to represent my interests, I want to make the point that I wasn't consulted and I'm sure I have seniority over all the newly-appointed senators. I suppose

that would mean that I would have the seating of greater priority and prominence than I have now. I thank Senator Plett for his offer to represent my interests, but thanks but no thanks. I don't need it.

The issue of the seats occupied by independents has no effect whatsoever on the Liberal or Conservative members of this chamber. It's simply seats to be occupied by independent senators. That's something that we'll deal with in another way at another time. The vested interest there, I don't see it.

I want to put it clearly on the record that although, because of my seniority, I may have a seat of greater prominence or precedence under the seating arrangement that has been proposed — although I haven't seen it — I am completely comfortable with where I am seated and the seating arrangement for all of our new senators. We can discuss common issues with all independent non-partisan senators.

For me at least, and I won't speak on behalf of the other independent senators, it's excellent. It may be troubling for those of political caucuses, but I fully support your decision, Your Honour. This seating arrangement is the right one.

Hon. Anne C. Cools: Honourable senators and Your Honour, I deeply regret and I think that it is most unfortunate that you have been drawn into this matter as Speaker of the Senate. I am very distressed about that.

I wish to begin by saying that I, like many senators, walked into the chamber a few days ago and discovered that my seat had been moved. The most unusual things are happening here more and more. I did not complain as I thought it would be explained in due course.

The reason I raise concerns for the position of the Speaker and the importance of us ever upholding the dignity and the honour of that position is that the Speaker of the Senate is unlike the House of Commons Speaker, who is the mouth of the house, the Speaker of the Senate is not the mouth of the Senate. He is the mouth of the Sovereign Queen. We must understand this. An insult or an offence to the Speaker is an offence against Her Majesty. As our Speaker will know, he is fourth in precedence in the country.

The position of the Speaker in the Senate was designed to be in the nature and character of a viceregal. The Senate Speaker can stand in the place of the Governor General when necessary. When President Obama was here visiting in 2009, he was received in the Speaker's chambers by then Senate Speaker Kinsella and that was all very much in good order, with precedence.

Honourable senators, I was about to appeal to Senator Plett to withdraw his point of order so that this important debate could continue under a better rubric than a point of order. But he has left the chamber.

I would like to clarify a couple of issues for our own intellectual clarity. We keep using the term "independent." Currently in both houses that term is used to mean the absence of partisanship. In

other words, not being a member of a political party. But that is not the real or true meaning of the word "independent." The term "independent" came into existence a long time ago when the houses started to differentiate between the government's members being cabinet ministers and the backbenchers.

An independent meant not a member of the cabinet. It is only in recent times that political leaders have exerted too much power over members including expelling them from the caucuses for not voting with the party. Backbenchers were never under an obligation to vote with the government. Those under that obligation were the cabinet ministers who are bound to resign if they vote against the government.

These are terms and lexicons that we need to examine. I would have been happier with a different rubric under which to discuss this matter.

I thank Senators Munson and Senator Plett for their work. It is true that the *Rules of the Senate* provide that the whips decide our places. We have places here, not seats. I do not think that this is the proper rubric under which this matter can be properly debated. I would be happy to take part in this debate under a more fitting rubric.

Colleagues, there is much happening here. My heart goes out to these new senators because they are beginning their great voyage of discovery. We must be mindful that these are the Houses of Parliament, they are as old as antiquity and are not given to novelties, such as the new term "Government Representative" is new. We do not know what it means.

We send representatives abroad, ambassadors, they call them plenipotentiary, but the Senate is not a foreign nation, so we cannot receive a representative from the government. It is not part of our lexicon. Maybe Senator Harder will find a way to soften this difficulty, or novelty that has been created.

I am convinced that Senator Harder is here with a high and worthy motivation, willing and wanting to do good things in this place and truly fulfill a good and noble purpose.

The problem, Senator Harder, is that the only way you can be representative of the Government of Canada is to be a member of the government. I have raised this issue on the floor here, again and again. It takes a member of the government to make a matter government business. A backbencher cannot make anything government business. We should adhere to that rule because we have to understand that our system is based on responsible government, which means that the cabinet is chosen from the members of the two houses who are expected to lead the government's business, Her Majesty's business in both houses.

So we really cannot do without a government leader, and we have a government leader. The problem is the colloquial term that now describes him. I do not know where this is going, but I do know that it is important that we get beyond this novelty and to move on to the questions, the large questions that are really before us. For example, I am concerned about the statute that is coming soon in respect of end-of-life decisions. We have to move forward.

Yes, there is novelty. Yes, there is newness. But we have a system of precedence, practices, customs, laws and rules that have been well tested and have worked.

• (1540)

Colleagues, no finer constitution, no finer instrument of power, has ever been devised or written by the hand of man than our Constitution: the British North America Act, 1867. One of the reasons for its genius and endurance for 150 years — which is a long time, in constitution history — is the genius of its design. We must understand that the Senate was at the heart of the Confederation itself. The Fathers of Confederation intended that the Senate of Canada would last as long as the Confederation would last.

Colleagues, I wanted to say that to you so that we have some insights into this grand institution, which everyone is running about reforming in a thousand different directions. But it's the most fantastic place. The most fantastic and wonderful people in the country have served in this institution. I have been privileged to know them. Many of them were great humans. If you served with Allan MacEachen, you would know exactly what I meant.

I do not know if this is a point of order. I thought it was more of a question of privilege. In any event, I wish the Speaker could extricate himself from this.

The Hon. the Speaker: Honourable senators, time is moving on. I saw Senator Ringuette stand a while ago. I will call on her.

I will ask honourable senators that, unless they have something different or new to add to what has already been said, they please refrain from standing. If you have something new or additional, I would appreciate hearing it. If not, let us try not to be repetitive. We have business to do here today.

Hon. Pierrette Ringuette: I will be short, as Senator Baker would say.

First of all, I think that the discussion here by different senators on this point of order is certainly providing an indication to our newly sworn-in senators as to, sometimes, what level of discussion this institution can be brought to.

I would like to comment in regard to the fact that — for instance, Senator Munson, you were one of the whips of a political party acting upon the direction of your leadership. When you comment, “What is the rationale of the current sitting?” it begs the question: What is not rational about the current sitting that renders it to have such a silly point of order? That is certainly an issue.

And then almost everyone who intervened talked about consensus. Consensus seems to be nice if it's the consensus of parties, whips and leaders, but it doesn't seem to be correct if it's in regard to me as sitting as an independent senator, or you, you, you or you, Senator Cools, the dean of this institution. Some people seem to be playing loosey-goosey with the word “consensus,” honourable senators, I certainly think.

[Senator Cools]

And of all things, Senator Tkachuk saying that the government has to direct this institution in regard to the changes that the government wants in this institution. And I'm sure that tomorrow, he will get up and say, “The Senate is a master of its Rules. The Senate will decide how it operates.”

Get a grip. Get a grip. The people of Canada want this institution to change. Some senators in here want this institution to change. They will act as agents of change, and they will not act on the direction of a Tory leader, a Liberal leader or any government leader.

This institution needs to go back to what the people of Canada want it to be, and this petty — very petty — order that was brought forth — I'm ashamed of it. Where have we gone to? For partisan politics?

Anyway, I've been in this place for 14 years, and I've heard a lot of low stuff. But I think today, this point of order, questioning where I will sit in this chamber, where she will sit in this chamber, is absolutely despicable and should not have been introduced as a point of order — challenging the Speaker and challenging where we sit. How low can we go? It has gone far enough. Thank you.

The Hon. the Speaker: Honourable colleagues, I believe I have heard enough input, but in deference to the Leader of the Opposition, I will take one more intervention and hear from Senator Carignan. After that, I believe I will have heard enough.

[Translation]

Hon. Claude Carignan (Leader of the Opposition): Mr. Speaker, if I may, with all due respect to the new senators, this is not about inconveniencing people and even less about giving Senator Wallace special treatment. It is about dealing with a matter of convention within our Rules. Conventions are part of our Rules, and the *Rules of the Senate* clearly indicate that when a situation occurs that is not provided for in the Rules, convention applies.

I heard Senator Baker speak about decorum. Changes to the seating plan are not going to cause such a disruption that you will have to enforce decorum. This is simply a matter of upholding convention. If it is the desire of the chamber to change that convention or to change the Rules, it can always do so because it is sovereign. However, until such a change is made, I believe that convention must be upheld.

I also believe that we need to ascribe greater importance to the role of the third party leaders. The concept of a recognized party exists in our Rules. There are leaders of recognized parties, and I invite the government to pay special attention to them and particularly to the power to impose time allocation. The power to impose time allocation is directly dependent on the willingness of the leaders of the two recognized parties because there are only two leaders of recognized parties. The Rules provide for the third party. That party has powers, and the discussion and the agreement between the whips of the two recognized parties were consistent with convention.

Dear colleagues, I believe that we need to respect that. Otherwise we can always turn to our Modernization Committee. Although the assignment of seats or the order of

precedence for the assignment of seats may seem trivial, the rule regarding convention and its value are extremely important to our institution.

[*English*]

The Hon. the Speaker: Honourable colleagues, I did indicate that Senator Carignan would be the last speaker, but I am allowing a little flexibility in the chair today. I've heard the word "flexibility" a few times. I will use it one more time.

• (1550)

Senator Andreychuk has been up a couple of times. She has indicated she does have a couple of new points to make.

Hon. A. Raynell Andreychuk: Thank you, Your Honour. I appreciate the privilege to stand. I'm not going to take your time.

I want to associate myself with all of the comments that have been made in this chamber. That's the strength of this place, that there is at least a debate. We do not see eye-to-eye on what the rules are, but we're debating them. That marks us as a society in Canada, unlike some others that Senator Munson and I often visit.

They aren't trite rules. They're the rule of law, and if we change it, there is a method of changing the law. I think that's what we're debating. How do we change in an orderly fashion, not attacking each other but speaking to our various points of view?

I associate with Senator Joyal, particularly on his history, and Senator Cools, who has been sometimes difficult in her long speeches but always very concerned about this institution and has brought many historical perspectives. I respect new members who come in, and I want to hear their voices on all of these topics about change.

The reason I wanted to stand is that Senator Baker made some comments. He and I have had great years of debating in the Standing Senate Committee on Legal and Constitutional Affairs. He said that the new senators were appointed into this chamber independently.

I'm sorry, we were all appointed in the same way. There was an independent selection process that's very different, that wasn't marked by partisanship, but the Prime Minister of the day has appointed the new senators, as other prime ministers have. I think that should be stated for us.

The other issue is that we keep talking about the independent group. Well, five have formed a group, and I respect them, and they should have a say, but Senator Cools has never joined any group. She's joined parties from time to time, but she has spoken very independently. I think we had better decide what "independent" senators sitting in this chamber means as a word.

I will probably take issue, as a point of privilege, if someone says that if I sit in a party, I'm not independent, because I am independent in the ways that are important to me, and that's in my thoughts, in my responsibilities to this institution, to my peers and to the public at large.

Thank you, Your Honour.

The Hon. the Speaker: I thank all senators for their input and contributions to the debate on this matter. I will take this matter under advisement.

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON APRIL 20, 2016, ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of April 14, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Wednesday, April 20, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 30 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

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

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, it is a tremendous honour for me to rise today to take part in the debate on the Speech from the Throne. In particular, I am referring to the following except from the speech delivered by His Excellency, and I quote:

To restore public trust and bring an end to partisanship, the Government will follow through on its commitment to reform the Senate by creating a new, non-partisan, merit-based process to advise the Prime Minister on Senate appointments.

[English]

The first down payment on this commitment to renew this chamber is the arrival last week of seven new members, all of whom were subject to the process referred to above.

[Translation]

This is also my maiden speech in the Senate. I rise here today with a profound sense of duty towards Canadians and towards you, my fellow senators. Like all of you, I am here to serve Canadians and to help the Senate serve Canada.

[English]

I come to this chamber, as so many of you, cognizant of the sacrifices made by my parents, my wife and my son, and the lifetime of influence still felt from the nurturing of teachers and the members of the village in which I grew up.

Mine is a very Canadian story. My parents came to Canada as young refugees in the Mennonite exodus of the 1920s from the then-Soviet Union. My mother worked at the H.J. Heinz factory for 12 years, leaving at the age of 29 to start Grade 9 and fulfill her dream of becoming a teacher.

I was born in Manitoba and grew up in Vineland, Ontario, in the heart of the Niagara Peninsula. I am proud of my Mennonite and small-town roots, the values they represent, and the importance of community and service to the country and to those around the world with less than what we enjoy.

[Translation]

I first came to Ottawa as a parliamentary intern thanks to an excellent program that gave me a chance to observe Parliament, MPs and senators, and their work for a year. I have very fond memories of meeting Senator Grattan O'Leary and Senator Eugene Forsey, attending committee meetings and, of course, attending question period in the other chamber.

[English]

After graduate studies, I joined the Department of Foreign Affairs and soon thereafter served as an assistant to our then new minister, Flora MacDonald — not a task for the faint of heart. I subsequently left the public service to first serve as chief of staff to the Leader of the Opposition, the Right Honourable Joe Clark, and subsequently to the Deputy Prime Minister, Erik Nielsen, in the government of Prime Minister Mulroney. I am not unacquainted with partisanship, its benefits and its limitations.

I came to the view that my interests and character were best suited to non-partisan public service. I was fortunate to serve as the founding executive director of the Immigration and Refugee Board, whose chair, Gordon Fairweather, was the parliamentarian with whom I had served as an intern so many years earlier.

[Translation]

In 1991, Prime Minister Mulroney made me a deputy minister, and I had the honour of serving in that capacity under five prime ministers and 12 ministers, including Senator Art Eggleton.

[English]

For the past nine years, I've worked in the private and the not-for-profit sectors and had the pleasure of being asked last summer to provide advice to the then-leader of the third party on transition to government. Asking me was, I believe, consistent with the now Prime Minister's belief that professional, non-partisan advice, born of experience and sensitive to political circumstances, ought to be called on and used in the nation's interest.

I want to thank the Prime Minister for my appointment to the Senate and to this unprecedented role of Government Representative in the Senate.

I firmly believe that Canada needs a Senate, even more today than at any point in its history. That is why I am here. If the Senate did not exist, we would have to invent one.

We have a Senate, so let's make it work. Let's all agree that the Senate is here to stay. No country as large as Canada, as regionally, linguistically and culturally diverse can function properly without a second chamber in its national political institutions. Our Constitution insists on it and well it should.

Following the decision of the Supreme Court of Canada issued almost two years ago, it is recognized that the Senate plays an important role in our federal, bicameral parliamentary system.

• (1600)

In fact, as a complementary chamber to the House of Commons, the Senate supplements the process of legislative review and serves as an important think tank in the development of public policy over a wide range of issues of the government's jurisdiction.

The Supreme Court decision also clarified that any fundamental change to either abolish the Senate or to make it an elected body with a fixed-term mandate for its members would require a significant level of agreement by the provinces: In the first case, their unanimous consent; in the second, the support of seven provinces representing at least 50 per cent of the population.

As a result of the Supreme Court ruling, it is now obvious that the numerous attempts of the previous government to introduce substantive changes unilaterally were bound to fail. However sincere the government was in its efforts to seek Senate reform, all of the seven bills it presented either to the Senate or to the House of Commons were indisputably unconstitutional, for they did not meet the conditions of the applicable amending formula, and, more importantly, they were inconsistent with the federal character of this country, which requires that any important structural change in the governance demands a negotiated agreement amongst its partners. It is certain, therefore, that the Senate will neither be abolished nor have an elected membership any time soon, so it's here to stay in its present constitutional status.

Further, I would ask Canadians to look at other federations and reflect on why they have a second chamber. Consider Australia, Germany, the United States, India, among many others. An upper house is fundamental to the proper functioning of a federal system.

The second chamber provides what all democratic systems require — checks and balances to hold the executive to account — and what all federal systems need — a voice for smaller regions and minority interests so that they are not completely drowned out by the larger voices.

This is why membership in the Senate is by region and why the guarantee of equal regional representation is enshrined in our Constitution, and perfecting this regional approach has been part of virtually every attempt at constitutional reform in the past 40 years.

Not all Canadians are aware that the very notion of regional equity was necessary to strike Canada's Confederation bargain. Without it, there would be no Canada. George Brown, an influential Father of Confederation, summed it up:

On no other condition could we have advanced a step . . .

[*Translation*]

George-Étienne Cartier said that “the count of heads must not always be permitted to out-weigh every other consideration.” That explains why the Senate and its role dominated the debates during the 1864 Quebec Conference.

Sir John A. Macdonald saw the Senate as a chamber in which the work would be guided by the principle of sober second thought. Representative democracy in 1867 was very different from what it is today. Democracy as we know it today was still taking shape at that time. The French Revolution and its excesses,

all committed in the name of democracy, had occurred just 70 short years before. Canada and the other Western countries had not yet embraced universal suffrage. They were afraid that, if given the opportunity, the masses would press for bad policies and bad decisions. For example, James Madison, a key architect of the American political system, claimed that the masses would “vote themselves free beer.”

Today, few people question the value of representative democracy. That being said, the government's role has changed considerably since the post-war era. The government has broadened its reach to nearly all sectors, and our executive branch currently oversees some \$300 billion in annual spending, which accounts for close to 15 per cent of Canada's GDP. The executive is also much more powerful than it was 50 years ago, and that power has become more and more concentrated in the hands of fewer and fewer people. Prime Minister Trudeau recognized that during the election campaign, and he was determined to begin addressing that issue as soon as he took office and in the actions he has taken since then.

Public administration experts point to ample evidence that Parliament is having a hard time keeping pace with the increasing complexity of modern politics. They say that Parliament's ability to hold the government to account has seriously diminished. The time has come to strengthen Parliament and its ability to hold the great debates of the day and ensure that its actions resonate better with Canadians and in the government administration. One only has to think about it for a moment to realize that Parliament is our country's most important democratic institution. It is the only institution that brings together the voices of people from St. John's, Newfoundland, all the way to Victoria, British Columbia, and Resolute Bay, Nunavut.

[*English*]

The question, then, is not whether we should have a Senate. The Fathers of Confederation and the basic requirements of federalism have answered that. Rather, the question before us is: How can we modernize, adapt and strengthen the role of the Senate to meet the expectations of Canadians in the 21st century? That, honourable senators, is the challenge we must all meet together. It is this challenge of credibility that is at the heart of the government's approach to improving the Senate.

Absent any realistic prospect of constitutional reform of the Senate, the Government of Canada has decided to focus on non-constitutional change that has the prospect of improving the Senate's credibility with the public. Everyone can agree that the public is rightly angry about the recent scandals of ethical misbehaviour and poor accountability. The Senate today has a tarnished image. We cannot deny that. At the same time, those of us with knowledge of the parliamentary environment are well aware that the Senate's solid work has contributed mightily to the good governance of this country. However, such positive efforts of the Senate are overshadowed by accusations of patronage and partisanship, which, fed by the current problems, combine to undermine the credibility of the institution. To the public and the world of today, it hardly matters that the Senate is legitimate from a constitutional perspective. The appointment of its members, which is totally at the discretion of the Prime Minister under the traditional process, deprives the Senate of meaningful credibility.

The government has two ambitious, but doable goals, to improve the Senate and its credibility: establish a merit-based appointment process independent of the Prime Minister's unilateral control, and encourage greater independence and non-partisanship of the selected Senate appointees. The first can be achieved by the government itself exercising its prerogative powers. The second will depend on the integrity and commitment of new senators and also firmly on the impact that these changes will have on the current membership of the Senate.

An advisory body for the selection of Senate candidates has been established under the chairmanship of Madam Huguette Labelle, a distinguished former civil servant and University of Ottawa Chancellor and the President of Transparency International. This board applies a set of publicly announced criteria to evaluate potential nominees for proposed appointment to the Senate. For each vacancy in the Senate, a list of five names is submitted to the Prime Minister, from which one will be selected for recommendation for appointment by the Governor General. This process, used to fill the first seven seats, will be further expanded by inviting the participation of the public in submitting names of potential candidates. While this openness will certainly present challenges for the advisory board, the government is fully intent on involving the public in this selection process.

• (1610)

The criteria used in evaluating the submissions will include relevant, merit-based experience; personal character and suitability; as well as other factors to reflect the great diversity of the population and the values of the Charter. In addition to cultural, ethnic, linguistic, religious, occupational and physical factors, the government is determined to promote gender parity.

Looking at the current membership of the Senate, my distinguished colleagues, it must be admitted that previous governments, including that of Prime Minister Harper, made serious, meaningful efforts to broaden the base of the Senate to ensure better representation of Canada's diverse and talented citizenry. Nonetheless, the fact that these appointments were nominated exclusively by the Prime Minister without the benefit of a more transparent process involving an independent advisory body acting as a filter to evaluate candidate qualifications meant that the appointments were open to the suspicion of patronage. Certainly, that was the general public perception and well reflected in the media.

The constant refrain for too many years has been that the Senate is a kind of dumping ground for party faithful or a reward for effective fundraisers. Not all were as bold as my good friend, former Senator Irving Gerstein, who proudly and honestly boasted of his skills as a party fundraiser. Though I know Senator Gerstein was an able senator who performed his responsibilities with great competence, and not a little humour, the government has determined that the time has come to do what it can to rid the Senate of the stigma of patronage. This is the minimum first step in renewing the Senate and re-establishing its credibility. The government promised to do this during the last campaign and is committed to taking effective action.

[Senator Harder]

The second way the government proposes to renew the Senate is to encourage the independence of new Senate appointees. By better ensuring that these senators are appointed on the basis of merit, the government believes that there will be less reason for them to feel the need or the obligation to align themselves with a political party. If this approach takes hold, the result will have the effect of allowing the Senate to more fully benefit from a wholly appointed membership. This benefit was expressly acknowledged by the Supreme Court's decision in 2004 when it stated:

The framers sought to endow the Senate with independence from the electoral process to which members of the House of Commons were subject, in order to remove Senators from a partisan political arena that required unremitting consideration of short-term political objectives.

Without denying the attraction of political allegiance and the comfort that comes from a shared identity, partisanship has a way of restricting a senator's independence by imposing the obligation of party loyalty. This is actually inconsistent with the fundamental purpose behind the creation of an independent, appointed, rather than elected, Senate.

I freely admit that this has not been part of the Senate's history. Conservatives and Liberals have been a constant feature of the Senate since its creation. I would add, however, that this may very well be one of the basic reasons that there have been calls for Senate reform. If senators are going to be partisan, why not have them elected just like their counterparts in the House of Commons? It is only by encouraging non-partisan independence that the purpose of an appointed Senate can be properly justified. Only in this way can the talents and experience of each and every senator be fully applied to the consideration of proposed legislation and public policy.

The government's preference for a more independent-minded, less partisan Senate is amply demonstrated not only by the six other independent senators who just joined this chamber but also by my appointment as Government Representative and how I am to exercise this office. Though I am, as I said earlier today, the Leader of the Government in the Senate with the benefits that come with this position according to the law and the *Rules of the Senate*, the government has deliberately insisted that I be styled the Government Representative. This has several significant meanings, in my view. Unlike any other past Leader of the Government in the Senate, I sit as an independent. I do not belong to any political caucus. Like my immediate predecessor, I too am a member of the Privy Council, though not a minister.

This means that in my role, my fundamental purpose is to act as a go-between, a conduit, between the government and the Senate. It is my task to speak to the Senate on behalf of the government and similarly to represent the views of the Senate to the government. To fulfill my duties, I do not need to be a member of a political party and will not be a member of a national caucus or any political caucus. Any influence that I exercise in the Senate, in addition to the benefits that I have as leader, will depend on my powers of persuasion, on the merits of the government's legislation and policies and, frankly, the goodwill of the Senate for its consideration and approval.

Promoting the independence of senators as an ideal does not mean rejecting outright political allegiances if that is the preference of individual senators. Parties will continue to be a feature of the Senate as long as members want to be part of them. Moreover, the government fully realizes that it does not have the right or the authority to insist on senators being independent; nor does this approach of encouraging independence mean there cannot be alliances based on like-minded views. There will always be a tendency among senators to form groups or associations based on shared values, geography or objectives. Indeed, this is likely to become more prevalent in a chamber that will eventually be dominated by independent senators over time. But these alliances need not be party-based, and there is no need for them to have any extent or permanence beyond the subject that has stimulated the union.

This analysis is, I believe, a fair representation of the government's proposals to restore the Senate's reputation. By creating an appointments process that is at arm's length and by encouraging senators to be independent and not aligned, the Senate, through its accomplished members, will gain, over time, greater credibility among the public. This is meaningful because it will allow the Senate to shift its attention to the substantive work it does as a complementary chamber to the House of Commons. I note with admiration the work that has been launched by senators in the past number of months.

The work of the Modernization Committee, open caucus sessions and ministers' attendance in Question Period are all positive and forward-leaning innovations. My newly appointed colleagues and I look forward to working with all of you from all sides of the aisle, those in party caucuses and those who are independent or not aligned. But change we must. Our Rules, procedures and practices and how we allocate resources must ensure that the voices and contributions of all senators are respected. We must manage our institution with the transparency that gains the confidence of Canadians.

As many of you know, I appeared before Senate committees on a number of occasions when I was a deputy minister. I always walked away impressed with the quality of the questions and the deep commitment of senators toward Canada and Canadians. It is unfortunate that this distinguished record of legislating, deliberating and investigating the issues of the day has been overtaken by expense accounts, ethical issues and, frankly, excessive partisanship. We need to do better; and we need to do a better job of ensuring Canadians are aware of the solid work that is done in this chamber on their behalf. In this regard, I'm impressed with the innovative approach taken only a few weeks ago in respect of the study on obesity by the Social Affairs Committee. Not only was the work of high quality, but also the use of social media ensured a broader audience was engaged in the policy debate.

Historica Canada has described the Senate as "Canada's best think tank"; and well it should. The Senate has conducted excellent research, produced seminal reports on a wide variety of subjects, and put the spotlight on the most important issues of the day. The Government of Canada is still harvesting the work of former Senator Michael Kirby and his committee's report on mental health.

You now understand why I accepted without a moment's hesitation the invitation to serve in this chamber. The Senate is at a critical moment of transition, and I want to play a role, however modest, in strengthening this vital institution. That is the reason I stand before you today.

I believe the Senate as a whole can make a substantial contribution by embracing a less partisan perspective on many public policy issues. There's little that the Senate can accomplish and little value to be added by trying to "out-partisan" the other chamber. The Commons lives and dies by partisan politics. We ought not to compete with but rather complement the elected chamber. However, having a Senate that can engage in an analysis of a bill or a policy less constrained by pressures of partisan views or public opinion can serve a useful purpose. It is in keeping with the complementary role played by the Senate and is intended to supplement, rather than compete with, the House of Commons.

• (1620)

With respect to legislation, the Senate can add to the quality of review by building on the work performed by the House of Commons. It can concentrate on aspects of a bill that may not have been thoroughly vetted by the Commons. The Senate can also encourage more public engagement by hearing witnesses that did not have a chance to appear before the Commons committees. Moreover, the Senate is capable of undertaking studies on substantive issues that require attention but that are politically delicate and publicly sensitive. The Senate's inquiries, for example, into euthanasia and assisted suicide, illegal drugs, and national health care over the past decades are three of many examples where the Senate has promoted meaningful public discourse over the last 50 years.

In doing this work, the purpose of the Senate is not to determine the outcome or settle the question; it is, rather, to gather evidence from relevant sources and alternative perspectives to provide a balanced assessment. This is, in fact, one of the paradoxical characteristics of the Senate, that in being able to resist the pressure of public opinion, it can actually contribute to public good by promoting useful discussion on important but controversial issues.

That said, I accept that the House of Commons should have its way on a number of fronts. The government of the day has every right to pursue the priorities outlined in its election platform. The party in power won a mandate from Canadians to implement the measures it brought forward during the campaign. Democracy requires it. Indeed, if democratic institutions cannot deliver on this, then one can only wonder what it can actually accomplish.

[Translation]

I firmly believe that the Westminster parliamentary system is the best possible political system. It has evolved over time, building its reputation through its actions and learning lessons, often from some crisis of renewal.

I once again turned to Walter Bagehot's classic treatise, *The English Constitution*, in which he described how the unwritten part of the Constitution should work. Published in 1867, the year

Canada was created, his work has stood the test of time. We have known and accepted for quite some time that the Senate cannot introduce money bills.

[English]

Bagehot also had advice for the House of Lords that still applies to the Canadian Senate. He wrote that:

... the House of Lords must yield whenever the opinion of the Commons is also the opinion of the nation ...

The Lords, he maintained, was "... a revising and suspending house."

He put it succinctly when he argued that the House of Lords can reject a bill from the Commons once, twice or even three times, but if the Commons keeps on sending it up, at last the House of Lords should not reject it.

This chamber holds important comparative advantages over other institutions. We need to do better in pursuing these advantages for the benefit of Canada. We are half of the Canadian Parliament. This is another Senate paradox: We can ignore short-term public opinion and, in doing so, exceed public expectations. The less partisan we act, the more credible our voices will become. We have the ability to operate above the fray and can shed light in an expeditious fashion on the long-term challenges confronting our country. We are in a position to articulate the regional economic circumstances shaping our country's six distinct regional economies in how they can best be accommodated when developing national economic policies. This is one of the most important roles of the Senate, if not the most important, and we need to do better at pursuing it. If the Senate cannot be a respected broker in dealing with regional issues and tensions, no one can. When it comes to minority rights and the protection of the Charter, it is the Senate that ought to be particularly vigilant in ensuring compliance with the Charter. Last week's Supreme Court decision with respect to the Criminal Code amendments ought to give us courage to act as the defenders of the Charter.

The Senate is in an ideal position from which to address, in a thoughtful and reflective manner, the great issues of the day. Through the work of our committees we can together determine an agenda to deal with these challenges over the time of this Parliament and beyond.

Let me end by briefly referencing two subjects which would benefit from Senate study.

First, caring for seniors: The subject is usually separated into two completely separate issues as if they are not intertwined, which they are. The two issues are seniors' incomes, and caring for seniors who need care but do not require hospitalization. In the federal and provincial governments, the first issue is handled by income support departments, while the second is handled by health departments.

With the ever-accelerating growth in the number of older seniors and the desire to find ways to enable them to stay in their homes as long as possible — this is both cheaper and gives the

senior a better quality of life — the two issues are clearly intertwined. What should the policy which covers these two areas be, and how ought the inevitable costs be allocated between public support and individual contribution?

The second issue of great importance to me is pluralism and the ongoing "hospitality to difference" in our country and in the wider world. The recent election and public debates on cultural and religious diversity and practices underscore the need to thicken — to make more resilient — our culture of respect for difference, while sharing common Canadian values.

This is made ever more challenging in a world of refugees and spontaneous flows of migration, the challenges of radicalization and terror, all of which challenge social cohesion. This is an issue of our time and one for which Canada's voice in the global debate ought to be heard.

Already, good work is under way. We ought to take full advantage of our position at the heart of Canada's democracy to push the frontiers of knowledge on the important issues facing our country and, in doing so, help shape and prepare the political and public policy debate for Canadians. We have the resources and we have highly-qualified and deeply-committed Canadians wishing to make a difference. Let's go and do it.

I look forward to working with every one of you to shape the Senate for the 21st century and to enable all of us to tell our children, our grandchildren and all Canadians that we are proud to be senators and proud of the work we do for our country.

In the words of Senator Campbell, senators, our future is bright.

Hon. James S. Cowan (Leader of the Senate Liberals): Colleagues, I intend to participate in this debate. I want to thank Senator Harder for his thoughtful address to us this afternoon. I'd like to reflect on it, because I was going to address many of the same issues. I'd like to review my notes in light of what he said today and speak tomorrow. I would move the adjournment of the debate for the balance of my time.

(On motion of Senator Cowan, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, April 19, 2016, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Senator Harder]

The Hon. the Speaker: It was moved by the Honourable Senator Hubley and seconded by the Honourable Senator Munson, that the Standing Senate Committee on Fisheries and Oceans be authorized — shall I dispense?

Hon. Senators: Dispense.

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

Sen. Hubley: Thank you very much, honourable senators. Today we have witnesses from out of province. They've come quite a distance and will be waiting for us at 5:00. I appreciate your consideration of this motion so that we will not keep them behind.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1630)

[Translation]

STRENGTHENING CANADIANS' SECURITY AND PROMOTING HUNTING AND RECREATIONAL SHOOTING BILL

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill S-223, An Act to amend the Firearms Act and the Criminal Code and to make consequential changes to other Acts.

She said: Honourable senators, as most of you probably know, I have always been independent and stood up for my ideas. As a Quebecer, I believe in gun control policies, but I also defend the sport of hunting. I used to go hunting with my father when I was younger. In that context, I am reintroducing my bill to strengthen Canadians' security and promote hunting and recreational shooting.

The recent events in the indigenous community of La Loche were certainly chilling. This was a disastrous tragedy for the victims' families, to whom I offer my deepest condolences. It is too late now to comment on the facts. We must allow the investigation to move forward, but we know some of the key factors that contributed to the situation.

Poverty, bullying, and lack of mental health resources are quite likely factors that led a 17-year-old boy to do something unthinkable and shoot innocent people at a school in the small Alberta community.

Furthermore, it seems that the problem of minors having access to guns is another important factor. I have been to Canada's North many times during my career, both as a member of the other place and as a senator, in order to advocate for the seal hunt. I can tell you that the vast majority of indigenous people use hunting rifles appropriately. I have come to conclusion that in the North, firearms are used as a tool for subsistence hunting, while in the South, people seem to be increasingly obsessed with firearms and less interested in using them for the pleasure of eating deer meat or other types of venison.

This came to me when I was asked by a journalist to comment on the dramatic increase in the popularity of restricted firearms, which are essentially firearms that are capable of discharging centre-fire ammunition in a semi-automatic manner and handguns.

Honourable colleagues, the numbers are astounding. In five years, the number of people with a possession and acquisition licence for restricted firearms has jumped by 75 per cent in Canada.

These weapons were designed strictly for military purposes. Although I understand that they can be used for recreational shooting, they are simply of no use for hunting.

I would like to emphasize that my bill does not go after honest citizens who obey the law. On the contrary, the main objective of this bill is to encourage hunting and recreational shooting in Canada while ensuring the Canadians' security. Its purpose is threefold: first, to ensure the security of all Canadians; second, to ensure that people who love hunting and recreational shooting have the opportunity to engage in those activities safely; third, to remove from our homes any firearm not used for hunting.

Honourable senators, the former Conservative government completely transformed our firearms regime. When the Conservatives were in power, Canada was one of the few countries to loosen gun control measures. After the 2006 Dawson College shooting, where one young woman was killed and 19 others were injured by gunfire, and the 2014 Moncton shooting, where three RCMP officers were killed and two others were injured, the Harper government passed Bill C-19, which abolished the long gun registry, and Bill C-42, which its authors boasted was a common sense bill.

All of that is to say that a responsible government certainly would not have acted in this way. Remember the events at the École Polytechnique in 1989, motivated by Marc Lépine's misogyny. No one can forget the terrible evening of December 6, 1989, when 14 young women were murdered in cold blood, simply because they were women.

The Chrétien government took action and showed leadership when it passed Bill C-68 in 1995, which would become the Firearms Act. Thanks to that government, we boast a low firearm-related death rate, a fact that is now ironically used as an argument by the gun lobby. Our chance of being killed by a gun is the same as our chance of being killed by lightning, because of the gun control policies introduced by a previous Liberal government.

We cannot stick our heads in the sand about the near-daily events to the south of us, where our neighbours do not have a system to keep the public safe like the one we have in Canada. The statistics speak for themselves. More than 30,000 people were killed by guns in the United States in 2011, compared to 698 in Canada. During President Obama's two terms, there have been nine mass shootings that have led to the unnecessary death of 119 innocent victims who were simply in the wrong place at the wrong time.

When President Obama sounded the alarm in January, his words resonated here in Canada, and I saw this for myself on television. No one can remain unmoved by his impassioned plea to change the American public's view of firearms. Like Prime Minister Chrétien, President Obama took action. In spite of the limited legal framework of his office and the conservative majority in Congress, he managed to implement the Common Sense Gun Safety Reform.

Honourable senators, let me address the various shootings in the U.S. by explaining a fundamental difference between the firearms system in Canada and of the system in the U.S.: the right to own or bear a firearm in Canada is not enshrined in the Canadian Constitution.

Similarly, restaurants have to pay fees to various municipal and provincial agencies to be able to sell and serve alcoholic products to their customers because it is a privilege to sell alcoholic products in Canadian cities. Many other activities have to be regulated as well.

• (1640)

Here are the seven bold and progressive measures that I want to implement with this legislation. I hope you will share my opinion.

First, the bill overhauls the current firearms program by prohibiting all firearms in Canada from being kept in dwelling-houses, except for hunting firearms and collectors' firearms, which receive special treatment.

Second, it redefines two of the three existing classes of firearms by creating the hunting firearm category and the circumscribed firearm category, which includes most of the firearms that were restricted under the previous program.

Third, it permits the possession of hunting firearms in dwelling-houses and restricts the use and storage of circumscribed firearms to shooting clubs.

Fourth, it limits the transport of circumscribed firearms to specialized transporters, similar to Brink's, which have no interest other than providing secure transportation, thus strengthening control over the movement of firearms.

Fifth, the bill replaces the term "registration certificate" with "inscription certificate." I want to emphasize that the bill does not reinstate the Canadian unrestricted firearms registry. That is why we wanted to replace the term "registration" with "inscription," which is more appropriate.

Sixth, the bill strengthens the role of the Royal Canadian Mounted Police and the Commissioner of Firearms with a statutory provision.

Seventh, the bill undoes all the provisions of Bill C-42, except for the prohibition on obtaining a possession and acquisition licence following a domestic violence conviction.

We will now review in detail these seven measures.

To begin with, I believe that we must reverse the current regime by only allowing hunting firearms to be kept within a dwelling.

It is not a big secret that the Canadian gun lobby became vastly more powerful during the Harper government's tenure.

Canada's National Firearm Association currently has more than 75,000 members. I have to point out that they send me emails every day. This group has been constantly lobbying the government for many years. Its message is simplistic. It maintains that guns don't kill people, people do.

I do not subscribe to this narrow view. People kill one another with firearms. I am certain that all honourable members of this chamber remember the horrible tragedy that took place on December 14, 2012, when Adam Lanza, a 20-year-old autistic man, committed an unimaginable act, opening fire in an elementary school with a semi-automatic assault rifle. Twenty children between the ages of six and seven and six staff members were murdered in a cowardly manner.

Although Adam Lanza's actions were unthinkable and incomprehensible, we cannot place all the blame on him. This young man suffered from mental illness and social disabilities. He should never have had access to this type of firearm. The blame should be placed on the gun lobby, which constantly promotes violence and the nonsense of arming civilians.

When these incidents occur, the focus is too often on the individual who committed the massacre and not on the part played by the gun lobby and its rhetoric. In a free and democratic society like ours, we cannot be satisfied with simply managing the symptoms; we also have to attack the root causes.

People here in Canada will recall the tragic events of 2014, when Justin Bourque went on a murderous rampage and opened fire on RCMP officers. Three police officers were killed and two others were seriously injured in the shooting. Much like Adam Lanza, Mr. Bourque was a real gun fanatic. Unlike the vast majority of criminals who use firearms to commit crimes, Mr. Bourque had duly registered all of his weapons. He had all the necessary permits.

The proposed change to the current system, which would authorize only hunting weapons in dwellings, is a strong response to the false claims of the gun lobby. Unlike the gun lobby, I am not trying to sell weapons; I only want to protect the safety of Canadians.

The safety of our fellow citizens leads me to the second point of my bill: it redefines two of the three existing classes of firearms.

This major change to the definitions will translate into a clearer distinction between the firearms that could reasonably be used for hunting — and therefore can be kept in a dwelling in accordance with the appropriate regulations — and the firearms used by sport shooters in shooting clubs that must be stored at those clubs.

What, then, are those definitions?

A hunting firearm is defined as any firearm with a smoothbore or striated barrel that is more than 470 mm long, in other words a shotgun or rifle. Fear not, for I have not made any of this up. Semi-automatic weapons are not included in the definition of hunting firearm, with the exception of 22-calibre rimfire semi-automatic rifles.

Many people have asked me whether semi-automatic hunting rifles, which are more commonly known as shotguns, are included in the definitions of hunting firearms. The answer is yes.

This new definition of hunting firearm is based on information from hunters and a Canadian Firearms Safety Course instructor. In fact, when the bill was being examined, the instructors strongly advised against using semi-automatic weapons for hunting because of the many accidents that they cause.

Bill S-223 repeals the privilege of those with a possession and acquisition licence to keep at their dwelling-house any centre-fire semi-automatic rifles. However, Bill S-223 does not prohibit the right to use such rifles. Those who are passionate about handling these rifles and would like to continue pursuing their passion can do so at shooting ranges, where these rifles would be stored. I want my bill to make sport shooting and its related businesses safe.

Therefore, I am not against firearms, but I support their use in a safe manner.

Thus, with Bill S-223, any holder of a possession and acquisition licence will be able to acquire and own a centre-fire rifle and use it at a shooting club designated for that purpose. When the holder of the licence has finished his shooting practice, he will have to store his firearm at the shooting club.

The distinction between a 22-calibre rim-fire semi-automatic rifle and a centre-fire semi-automatic rifle is a key aspect of my bill.

The United Kingdom made that same distinction after the terrible events in Hungerford. In 1987, a crazed gunman named Michael Ryan murdered 16 people, including his own mother. Carrying a handgun and two semi-automatic rifles — a Type 56 assault rifle, which is a Chinese variant of the AK-47 assault rifle, and an M1 Carbine — Ryan also injured 14 other people before committing suicide. According to the authorities, there was no motive for Ryan's murder spree. Another important fact is that Ryan apparently had legal possession of all of his firearms in accordance with British laws at the time.

Prime Minister Margaret Thatcher promptly responded to this horrible tragedy the following year. The Iron Lady's Conservative government completely banned all semi-automatic centre-fire rifles in the United Kingdom and restricted the use of hunting rifles to those with a maximum capacity of three shells. The only firearms that have remained legal in the United Kingdom are 22-calibre semi-automatic rimfire rifles.

Britain's commitment to strict firearms policies did not stop in 1988, however, because in 1996, nine years after the Hungerford tragedy, Great Britain went through the shock of another shooting rampage. A man named Thomas Hamilton entered a primary school in Dunblane, Scotland, and killed 16 children aged four and five, as well as their physical education teacher, before killing himself. Hamilton legally owned two hunting rifles and a handgun. The handgun used in the massacre had been properly registered.

• (1650)

In response to the massacre, the British government called on Lord William Douglas Cullen to chair a royal commission to investigate the circumstances that caused Hamilton to commit such an act and, more importantly, to make recommendations to prevent such a tragedy from ever happening again.

In his report, Lord Cullen recommended that the government introduce tighter controls on gun ownership. In response to the Cullen report, the British government passed the Firearms (Amendment) Act 1997. Thus, the law now prohibits all civilians from owning and storing most handguns in a private dwelling in Great Britain.

These gun control policies have had some impressive results. In 2011, there were just 38 gun deaths in Britain, while in the same year, Canada had 153 gun deaths, although its population less than half that of Britain. According to other 2011 data, the British homicide rate is apparently lower than Canada's, at 0.06 per 100,000 people, compared to 0.45 per 100,000 people in Canada. All of the measures taken by the United Kingdom in 1988 and 1997 prove once again that enforcing strict gun control and removing guns from homes helps lower the number of gun-related homicides.

Bill S-223 is based on a proven model. I don't mind hearing all of the criticisms of my bill and getting all those tweets. However, those that attack a proven model in favour of the American model, which is clearly a security failure, make no sense. All they do is serve the interests of an industry and certainly not the interests of the Americans.

Bill S-223 replaces the existing category of restricted firearms with the category of circumscribed firearms. A circumscribed firearm is any firearm, other than a prohibited firearm, that has a barrel equal to or less than 470 millimetres, such as handguns or firearms that are capable of discharging centre-fire ammunition in a semi-automatic manner.

As the term implies, those who hold a possession and acquisition licence for such a category of firearm will be able to use and store these weapons only at a shooting club. That is the

third point in my bill. I made sure that the term “circumscribed firearms” includes the notion of location.

Honourable senators, there is a reason why my bill classifies these weapons as circumscribed firearms. They have been used to commit countless murders in Canada. I am thinking of Marc Lépine, Kimveer Gill and Justin Bourque. The weapons in their arsenals all had something in common. They all complied with the provisions of the Firearms Act regarding centre-fire semi-automatic rifles. These weapons are extremely dangerous and are not useful for hunting. They therefore do not belong in a dwelling-house.

Justin Bourque’s lawyer, David Lutz, told me much the same thing. On October 31, 2014, just a few minutes after his client was sentenced, Mr. Lutz made an impassioned plea against firearms at the entrance to the Moncton courthouse. This is what he told the CBC:

Three police officers are dead in Moncton and another in Ottawa because the wrong people were in possession of firearms that should have been prohibited.

He went on to say, and I quote:

No hunter needs a firearm like the one Bourque used. None.

Fourth, Bill S-223 increases control over the movement of these semi-automatic weapons. Owners of such firearms who need to move them, for example to store them at a different shooting club or to participate in a competition, will have to use an outside service or specialized carrier to transport them.

After the previous bill was introduced, I received a number of complaints about the outrageous costs associated with storing circumscribed firearms. I tell them that it is not up to the legislator to adapt to shooting clubs and the gun lobby. It is up to businesses and lobby groups to adapt to our firearms measures, first, for the security of Canadians, and second, to promote the sport.

My staff and I consulted a number of experts, including former police officers. They all told us that centre-fire semi-automatic rifles are very dangerous compared to other weapons. They stressed that there is no need to keep such a firearm in a dwelling-house. The U.S. model proves that the more firearms are circulating in a country, the higher the homicide rate is. Bill S-223 seeks to strengthen Canadians’ security.

My fifth point has to do with replacing the registration certificate with an inscription certificate. To me, words have meaning. Bill S-223 acknowledges the disappearance of the Canadian firearms registry. I will not get into that. I am not happy about the disappearance of this registry, which was another Conservative measure to satisfy the firearms lobby — and I will

note that Quebec is in the process of creating its own registry. However, I decided that my bill would not be about that measure so as not to sidetrack the debate on my bill.

The term “registration certificate” evokes the idea of a registry. The term “registration” evokes the notion of privilege. “Inscription certificate” is more neutral and doesn’t have the same connotation as “registration certificate.” I think the term “inscription certificate” is quite apt in the case of circumscribed firearms.

My sixth point is that Bill S-223 reinforces the role of the RCMP and the Commissioner of Firearms by setting out their responsibilities in the firearms classification process, which is not found in the existing legislation. To be more specific, under Bill S-223, and unlike Bill C-42, in making regulations, the Governor-in-Council will have to consider the recommendations of the Commissioner of Firearms when he uses his discretionary power to designate a hunting firearm. Furthermore, the Governor-in-Council will not have the discretionary power to designate a firearm other than a hunting firearm, also unlike Bill C-42. That is an important addition to the existing law because our laws are not explicitly clear about the role of these individuals in the classification of firearms.

Furthermore, Bill S-223, again unlike Bill C-42, does not enable the government to unilaterally decide to declassify a firearm or to overrule the RCMP, that is, take away its authority to assess the level of danger. The Swiss Arms matter handled by former public safety minister Steven Blaney is an excellent example.

In 2014, the Royal Canadian Mounted Police conducted an investigation after receiving complaints that these semi-automatic guns could be easily converted into automatic weapons. As a result of that investigation, the RCMP prohibited Swiss Arms firearms. A number of gun lobbyists were furious and pressured the Conservative government to overrule the RCMP’s decision.

Since the law at the time did not allow for the declassification of a firearm, on March 13, 2014, Minister Blaney announced a two-year amnesty to protect owners of these firearms from the harsh penalties that his own government had enacted through Bill C-10 in 2012, which seemed absurd. The same minister who enacted that legislation went back on his own bill. Minister Blaney announced the following in a press release dated February 28, 2014, and I quote:

... I was troubled to learn of a decision made by unelected bureaucrats to prohibit a number of rifles imported from Switzerland.

He was talking about the RCMP. He went on to say that he would take steps to make sure that this never happened again.

In other words, the minister at the time did not like it when the people responsible for Canadians’ safety took measures that conflicted with the interests of the gun lobby. He therefore proposed measures in Bill C-42 to give cabinet the discretionary power to “declassify” firearms, even if that went against the RCMP’s recommendations.

My seventh and last point is that my bill repeals all of the amendments that Bill C-42 made to the Canadian Firearms Scheme, with the exception of the provision that states that a person convicted of domestic violence can never receive a licence to possess or acquire a firearm.

• (1700)

I will conclude my explanation of the text of my bill — which, by the way, is quite lengthy — by repeating its title: Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Act. I will not address the issue of security any further. I have already sufficiently explained how this bill will really benefit Canadians in that regard. However, what about promoting hunting and recreational shooting?

Bill S-223 narrows the definition of hunting firearms and makes them the only firearms that can legally be in users' possession in Canada. It confirms the legitimacy of hunting, granting these firearms a privilege that no other firearms possess. It does not restore the gun registry. In other words, this bill supports hunting and hunters, and I am delighted about that. Furthermore, I am certain that if my father were still with us, he would be pleased with the bill.

The restrictive definition of hunting firearm that I used in my bill is based on guidance I had from hunters and an instructor with the Canadian Firearms Safety Course and on the British model. Under this bill, any firearms owned by hunters must really be prescribed for hunting. The image of hunters should therefore be enhanced in the eyes of the public.

As for shooting clubs, the new classification described in my bill, specifically the new category of circumscribed firearms, will make it possible to develop a market while ensuring safety. In fact, restricting the use of semi-automatic firearms other than 22-calibre firearms to shooting clubs and requiring them to be stored at the club will automatically increase activity at those clubs, which, with some facilities planning, could even become gun shops or could partner with them.

In closing, I would like to thank the team of Senate lawyers, legal experts, law clerks, and drafters who worked so hard to make this bill a reality. I can assure you that this bill was not drafted in a matter of minutes. This bill respects fans of hunting and sport shooting while having a real, positive impact on Canadians' safety.

As I said at the beginning of my speech, I have always been an independent person. I have always defended my ideas and worked for Canadians. I come from a family of hunters who lived in a small town north of Montreal and always enjoyed eating game throughout the year, but I also believe in gun control.

This bill isn't dogmatic or ideological. In drafting it, I used facts, figures, and documented results of Canadian, American and British policies. I also established a starting point for any government or any non-government organization that wants to thumb its nose at the gun lobby, which is very active, but which, in my opinion, is not concerned with Canadians' safety.

(On motion of Senator Cools, debate adjourned.)

[English]

CANADA PROMPT PAYMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill S-224, An Act respecting payments made under construction contracts.

He said: Honourable senators, I am proud to rise today to speak to Bill S-224, the Canada prompt payment act. There are two major problems in federal construction work in Canada today. First, there are delays by federal authorities in processing valid invoices for construction work when there is no dispute that the work has been performed according to contract. Second, there are delays in remitting payments down the subcontract chain, again when the work is not in dispute and when valid invoices have been submitted. These payments delays are not occasional; they are systemic.

The problem is not unique to Canada. However, other jurisdictions have enacted legislation to counter systemic delays in making payments to subcontractors. The U.S. federal government and every U.S. state, with the exception of New Hampshire, have adopted prompt payment legislation in the public sector. The United Kingdom, Ireland, Australia and New Zealand have also enacted prompt payment legislation. Canada is the outlier.

The payment delay in the construction industry is systemic largely because of the construction pyramid. The complex structure of contracting and subcontracting sets the construction industry apart from almost all other industries. In federal government work, a federal authority is at the top of the pyramid. The federal authority tenders the construction work to a general contractor or a trade contractor, who becomes the prime contractor — for example, the party that enters into a contract with the federal authority to complete the project according to the plans and specifications.

For the vast majority of projects, the prime contractor will subcontract various segments of the construction project to specialized trade contractors. On construction projects, these trade contractors often perform upwards of 80 per cent, and sometimes more, of the actual work. Also, on most construction projects, trade contractors either subcontract from a general contractor or a sub-subcontract from another trade contractor.

As is common in all small- and medium-sized businesses, a trade contractor's access to bank credit is often limited, and their dependence on cash flow is extremely high. This means that the trade contractor's revenues are subject to unpredictable delays without any flexibility on their payables. Payments to Canada Revenue Agency and the Workers' Compensation system must be paid monthly without delay. Wages must be paid weekly. Payment for materials and equipment rentals must be made within 15 to 30 days.

This, colleagues, is without question the most common cause of business failures among trade contractors in Canada. Senators, this is happening across the country. What is most unacceptable

in my view is that this is happening on Crown land or on federal projects. This is where we have the power to intervene.

This bill will tackle the issue of construction on federal government projects. The provinces are making some headway. The Charbonneau commission recommended prompt payment legislation in Quebec; and the Reynolds report, which we can expect in the coming weeks, will likely recommend similar legislation in Ontario.

When the United States enacted the legislation federally, it did not take long for individual states to follow suit. It is my hope that the enactment of this bill will have a similar ripple effect on the Canadian provinces, meaning every construction contractor in Canada will be paid on time for the work they have completed.

The fundamental cause of the late payment problem is the unequal bargaining power between contractors and their subcontractors. Contractors force subcontractors to accept late payments as part of the costs of doing business. Contractors can do this because they control the flow of work. Most trade contractors depend for their survival on subcontracting either from a general contractor or from another trade contractor. No trade contractor can afford to be struck off the bidders' list.

There is a disturbing trend in the construction industry that is putting hard-working Canadians out of work. The average duration of receivables in the construction industry is significantly higher than it is in any other industry and is increasing. In 2007, the average duration of a receivable in the construction industry was 62.8 days, almost 9 weeks. By 2012, the average duration had increased to 71.1 days, more than 10 weeks.

Most trade contractors are small employers with the majority employing fewer than 20 workers. Trade contractors often commit all or a large portion of their resources to a single project. In these circumstances, there are serious consequences when there is an increase in cash-flow risk. A three- to four-month delay in making a payment when a project is absorbing all, or virtually all, of a trade contractor's business resources puts the survival of the business at grave risk.

• (1710)

The impacts of delayed payments are obvious for trade contractors. However, the negative consequences for the federal government and our overall economy are profound. Employment is lower because the amount of operating expenses that a trade contractor can support with a given amount of working capital has been reduced by the increase in payment risk.

Also, some trade contractors off-load their payroll risk by increasing the number of self-employed, independent operators in their workforce. This has reduced source deductions and increased the likelihood of earnings being under-reported to the Canada Revenue Agency.

Additionally, increased payment risk has led to a chilling effect on the hiring of apprentices, as trade contractors are less willing to make long-term employment commitments that are required to recoup an investment in apprenticeship training.

Federal government construction costs are higher because trade contractors have incorporated into their bids a factor to reflect the risk of late payment by general contractors.

The spread of late payment practices has put competitive pressure on others to adopt the same opportunistic conduct. The result is an erosion of standards and an undermining of the level playing field which is essential for a healthy market.

Public Works has recognized that there is indeed a major concern and thus has tried a series of administrative measures in an attempt to solve the problem, but unfortunately none of them have worked as they do not get to the heart of the issue.

For example, contractors are required by Public Works to submit a statutory declaration with each invoice, swearing that all payment obligations have been met. There are two difficulties with this remedy. Firstly, these declarations are retrospective. They do not prevent future payment delays. Secondly, if a payment is withheld owing to a purported dispute over performance, the statutory declaration can still be submitted since technically the withheld payment is not a required payment, pending resolution of the performance dispute.

The Canada prompt payment act contains measures that will finally put an end to this systemic problem. The bill stipulates that the government institution must make progress payments to a contractor for construction work on a monthly basis or at shorter intervals provided for in the construction contract.

Likewise, the contractor must pay the subcontractor, and the subcontractor must pay any other subcontractor, on or before the twentieth day following the latter of either the last day of the monthly payment period or the receipt of the payment application.

The act accounts for milestone payments where, if a general contractor enters into a contract with the federal government that authorizes milestone payments rather than progress payments, written notice of any milestone payments must be communicated to all parties down the contractual chain.

The most significant provision set out in this legislation is the right for unpaid contractors to suspend work. The absence of this provision has been raised with me time and time again by small business trade contractors. This is an important recourse for trade contractors who have not been paid, and I am thrilled that this right will now be explicit upon the passage of this legislation, in addition to the right to terminate a contract or the ability to collect interest on late payments.

The bill also provides for a comprehensive dispute resolution process, as well as the right to information for contractors and subcontractors involved in any dispute resolution.

I was thrilled when Patrick Brown, the Leader of the Official Opposition in Ontario, endorsed this legislation last week, stating:

If you do the work, you should get paid. It is for this simple reason, I unequivocally support Senator Plett's prompt payment bill.

For years, I have advocated for prompt payment at both the federal and provincial level, and I am happy to see another piece of legislation introduced at the Parliament of Canada.

There are 400,000 Ontarians earning their living in the construction industry, yet many of the small and medium-sized family-owned contractors who employ these people are not getting paid for several months after the fact for completed construction work.

Senator Plett has my full support on this bill, and I look forward to working with industry, workers, small and medium-sized businesses and stakeholders to continue tackling this issue at the provincial level.

I thank Patrick for his support and look forward to the progression of this initiative at the Ontario provincial level.

Colleagues, this is a non-partisan issue. People should be paid for the work that they have completed, and they should be paid on time. This is the biggest problem facing the construction industry in Canada and we finally have the opportunity to fix it. Let's stand up for small business owners and for hard-working Canadians in the construction industry.

I look forward to your support and sincerely hope you will join me in passing this legislation so we can study it thoroughly at committee.

I thank members of the trade contractors for being here today. Please join them and me in room 160-S from 5:30 to 7:30 for some hors d'oeuvres and a drink. Thank you very much.

Hon. Céline Hervieux-Payette: I just have a few technical questions.

Senator Plett, for how many years have contractors from different trades been coming to your office to raise this matter of delayed payments? They come to see me, too, as well as other senators. For how many years have you been hearing about this problem?

Senator Plett: Thank you very much, senator, for that question. Indeed, I have myself been in the construction industry since I took over from my father in 1987 and then turned the company over to my sons in 2007. I'm a small trade contractor and have been for most of my life. During that period of time, I spoke to trade contractors wherever I was, and I had the same problems that these people have. I've been in the Senate for almost seven years, so that's the length of time that they have been approaching me here in the Senate.

Senator Hervieux-Payette: Having been in the caucus that formed the majority and the government, did you make that recommendation to your leader, or did the balanced budget agenda take over from your recommendation?

Senator Plett: Thank you, again. As you know, I did start an inquiry on this during the last Parliament. Yes, I have been talking probably not directly with the leader but certainly with the

Minister of Public Works in the previous Parliament. We were working on getting proper legislation done. Senator, you have introduced many private members' bills and, as you know, it's not that easy to get them going. I started working on this in the last Parliament, and fortunately with the wonderful help of our law clerk and the staff in the Senate, we have finally reached something here that I think is very good for all contractors.

Senator Hervieux-Payette: Before you go to committee with your bill, I would encourage you to do research into how long this has been going on. I was on the other side and never heard about this because payments were made on time. When did this habit begin of not paying the bills on time? We need to see where the pitfalls are and find out how this happened for so many years. How many billions — not millions — of dollars were not paid in due time? Coming from SNC, I know that paying on time is absolutely critical. And I vowed to support them, but I was not forming the government; you were.

• (1720)

Senator Plett: Of course, Senator Hervieux-Payette, this problem has been there for much more than 10 years. Prior to that, you indeed were part of the government, and this problem existed at that point. This problem existed in 1987 when I took over from my dad.

One of the biggest problems that my father had when he was running our company was the collecting of bills. Dealing with private individuals is one thing, but when a government, either provincial or federal, doesn't pay on time, that's entirely another matter.

Therefore, senator, you were very much part of a government that had this problem as well.

Hon. Elaine McCoy: Would the senator take another question?

Senator Plett: Yes, senator, by all means.

Senator McCoy: Thank you. Just for the sake of the institution, I want to ask a very simple question: Have you checked with our Senate Ethics Officer to ensure that you have no conflict of interest in this matter?

Senator Plett: Thank you for the question. No, I have not, but I have absolutely no vested interest in any business that does any construction work at this time.

Senator McCoy: Does your son have an interest in it?

Senator Plett: My sons do have an interest. I do not believe they're doing any federal work at this point. But on your recommendation, senator, I will make sure.

Senator McCoy: You're very courteous, senator.

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

An Hon. Senator: Question.

An Hon. Senator: Adjourn the debate.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Maltais, for the adoption of the third report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate budget for 2016-2017*), presented in the Senate on February 25, 2016.

Hon. Pierrette Ringuette: Colleagues, last Thursday I moved the adjournment of the debate on the report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate budget for 2016-2017*), presented in the Senate on February 25, 2016.

It did not take long for me to realize that the wording on the Order Paper and in the motion moved by the chair of the committee did not reflect the reality. It was not the budget or the estimates for 2016-2017 for the Senate that were tabled, but rather Appendix A and B; three pages. Now you understand why I only needed a day to examine them.

At the time of Senators Baker's speech last Thursday, I pointed out that perhaps it was the usual way of doing things.

[English]

But the usual way of doing business is gone.

[Translation]

Over the past year, this institution has promised over and over again and in many ways to be transparent.

If I may, I would like to quote the former Speaker of the Senate, the Honourable Leo Housakos, who was also chair of the

Standing Committee on Internal Economy, Budgets and Administration. During a speech on June 9, 2015, he said:

[English]

... I want to make it clear that we wholeheartedly embrace the fundamental principles of transparency and accountability that underscore the Auditor General's recommendations.

We will see to it that they inform every aspect of our approach to introducing an oversight mechanism which, when implemented, will conform to standards that are necessary and appropriate for a modern parliamentary institution.

To that end, we will also ensure that new rules and procedures are brought forward in a way that respects applicable laws including the constitution and the Parliament of Canada Act.

We will be mindful of the need to achieve our goals while not unduly impairing the ability of legislators to do their jobs. But let there be no doubt that there will be more disclosure, more oversight and better controls.

[Translation]

He goes on to say, and I quote:

We are firmly committed to improving transparency, oversight and control measures.

He concluded his speech on June 9, 2015, as follows:

We want to make the Senate a legislative chamber that is responsible, attentive, transparent and respected by all citizens.

My colleagues and I will work tirelessly to attain this objective. It is our duty to Canadians.

[English]

Our actions reflect the seriousness with which we regard these matters.

There must be a bond of trust between Canadians and their legislators — conduct that places that bond at risk is unacceptable.

As Parliamentarians, we must hold ourselves to the highest possible standard of conduct.

The Leadership in this place is determined to uphold that standard using all means at our disposal.

Our intent is to render the Senate of Canada an accountable, responsive, transparent legislative body that the citizens of our great country will and can respect.

That was in June 2015. Mind you, earlier today, Senator Housakos reiterated that commitment, and he stated during Senators' Statements that "the Standing Committee on Internal Economy, Budgets and Administration . . . is transparent and accountable in all our decisions"

When decisions are not public, they are not transparent. Most importantly, when discussion of that decision is not public, it is not transparent.

My research also led me to a more recent statement, again, by the Chair of Internal Economy. It is dated March 21, 2016, which was just a month ago. Senator Housakos, in regard to the report from Justice Ian Binnie, said:

. . . the Senate's ongoing efforts to bring clarity to the rules and their application, even if, at times, this proves difficult. This report will assist us in these efforts. . . .

Former Justice Binnie's report shows our continued commitment to openness and accountability.

Endorsing the process, the Deputy Chair of Internal Economy, Senator Cordy, is quoted as saying:

. . . in keeping with the Senate's continuing modernization efforts with a focus on transparency and accountability, and respect for taxpayers' money as our guiding principle

• (1730)

Now, as I said earlier, in order to have accountability and transparency, there needs to be a public discussion on an issue. When you go to the Senate website, and you look up the Standing Committee on Internal Economy, Budgets and Administration, since that famous quote from Senator Housakos last June, there have been a relatively good number of meetings.

The first one — following Senator Housakos' statement — dated June 11, 2015, this is the entire public proceeding of that committee. Essentially, it's the approval of the agenda and then a motion to move in camera. That was June 11.

June 18, 2015, which is essentially the same thing, moving to discuss things in camera.

September 24, 2015, same thing.

November 5, 2015, same thing.

December 10, 2015, as you can see, the same thing.

January 13, 2016, same thing.

February 4, 2016, same thing.

Exceptionally, in regard to what is public on the Senate website for the committee, on February 18, 2016, there was a public discussion in regard to funding for the Standing Senate Committee on Agriculture and Forestry and its hearings in Moncton, New Brunswick.

All in all, since Senator Housakos' statement, there have been 11 committee meetings where discussions occurred behind closed doors. I guess that the efforts in regard to accountability and transparency need to be reviewed.

I understand that last week you made an exception, Thursday morning. I certainly understand that, and I certainly understand the purpose.

That being said, senators are being asked to approve over \$90 million of taxpayers' money for the expenses of the upcoming year, based on an executive summary, which is, in reality, Annex A and Annex B.

Now, given the current political atmosphere in this place, I'm quite certain that if I had tabled such a document asking for you to say yes to spending \$90 million, you would have said, "Oh, this is not accountable. There is no transparency. There are no details. How can you ask us to approve expenses of \$90 million with two annexes? It is absolutely intolerable."

[Translation]

It is unacceptable that after so many speeches on transparency in the Senate, the Senate's top committee, which oversees expenditures, has not made any progress. I honestly believe that Canadians would not be very proud of us if we were to vote without more information, without questioning the expenditures, the why, and so on. We cannot vote on a \$90 million budget, paid for by taxpayers, with a simple three-page explanation. If you go to the site for more information, you won't find anything, since all of the debates were held in camera.

MOTION IN AMENDMENT

Hon. Pierrette Ringuette: Mr. Speaker, dear colleagues, I propose an amendment to ensure that senators can review the budget before the vote is held. I move:

That the Senate postpone debate on the third report of the Standing Committee on Internal, Economy, Budgets and Administration (Senate budget for 2016-17) until the full itemized budget has been tabled and distributed to Senators, as well as the detailed Senate expenses for 2015-16, and, five sitting days after it has been distributed, the Senate sit as Committee of the Whole for questions and that the Committee of the Whole sit until all questions by Senators have been answered.

That is a minimum level of transparency. Honourable colleagues, I hope that you'll understand why this motion is necessary. Thank you.

(On motion of Senator Martin, debate adjourned.)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON OPPORTUNITIES FOR STRENGTHENING COOPERATION WITH MEXICO SINCE THE TABLING OF THE COMMITTEE REPORT ENTITLED *NORTH AMERICAN NEIGHBOURS: MAXIMIZING OPPORTUNITIES AND STRENGTHENING COOPERATION FOR A MORE PROSPEROUS FUTURE*—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Foreign Affairs and International Trade (Budget—study on opportunities for strengthening cooperation with Mexico since the tabling, in June 2015, of the committee report entitled *North American Neighbours: Maximizing Opportunities and Strengthening Cooperation for a more Prosperous Future*—power to travel), presented in the Senate on April 14, 2016.

Hon. A. Raynell Andreychuk moved the adoption of the report.

She said: Honourable senators, I think I have already spoken to it. The budget debate was brought forward, why we were requesting the funds, and reminded the senators of our report. It is here for, hopefully, adoption so that the committee can proceed.

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Just to refresh my memory, how much are you planning to spend on travel?

Senator Andreychuk: I believe on this one it was approximately \$9,200.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Senator Ringuette]

• (1740)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RECENT POLITICAL AND ECONOMIC DEVELOPMENTS IN ARGENTINA IN THE CONTEXT OF THEIR POTENTIAL IMPACT ON REGIONAL AND GLOBAL DYNAMICS—FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Foreign Affairs and International Trade (Budget—study on recent political and economic developments in Argentina—power to hire staff and to travel), presented in the Senate on April 14, 2016.

Hon. A. Raynell Andreychuk moved the adoption of the report.

She said: Honourable senators, I have spoken to the budget at a previous time, and this is the study that the committee has chosen to continue and found to be timely. We will continue witnesses in Canada, and then we are looking to hear witnesses in Argentina. This is a report that the visit will likely occur in the fall.

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): How much will it cost?

Senator Andreychuk: Now that's an interesting question. We were asked to put in a budget where all 12 members of the committee are included, maximizing on all of the costs, so it was some \$240,000, which is, I think, in line with other committees. We do not anticipate that we will utilize all of the money because it was based on all members attending. Unfortunately, we have one senator retiring in April and another I believe in July, so our numbers will be reduced. It has been the tradition within our committee that if you have not been a member of the committee within the study parameters from the start or at least near the start it would be unlikely that that senator would undertake travel. It would not be the most efficient use of those funds.

So we anticipate that we will be under that amount, but we would have to crunch the figures at that time. I am assured that these figures are in line with travel of comparable committees doing comparable work.

Senator Fraser: I'm not sure there are any other comparable committees. It's a great deal of money. I look forward to reports of how much you have been able to whittle down that budget. You will recall, Senator Andreychuk, that I come out of the Rules Committee and the Legal Committee. When I hear people talking about a quarter of a million dollars for one trip, something in me tingles, but I do hope that you will be able to reduce that number considerably.

Senator Andreychuk: In fact, our committee has always put in actual figures that we had already worked out. We were told by other committees that are in charge of this that we should not

whittle down the numbers because that would be unfair to some senators. So we maximized the budget. But we encourage everyone to look at the actuals.

We have had comparable figures from other committees that have travelled internationally and with the Foreign Affairs Committee and the actuals have always been substantially less. We cannot control airfares, et cetera, but we certainly know how to go about getting a cheaper fare. And we have not put in for any hospitality. Our committee normally works through the day and will only have a working lunch if, in fact, we are bringing together civil society or journalists who otherwise may not be able to meet with us.

We want to maximize the time. We don't ask for receptions. We don't ask for dinners. We don't want to be hosted unless it is a benefit to the foreign policy of the Government of Canada and we pay attention to that fact that maybe our ambassador would like to avail him or herself of the opportunity of having a parliamentary delegation to assist in parliamentary diplomacy.

Hon. Serge Joyal: Would the honourable senator entertain another question? The honourable senator will certainly be informed that the Leader of the Opposition, Senator Carignan, and the Leader of the Senate Liberals made an announcement, yesterday, about the fact that the two groups would offer a slot for non-aligned senators to sit on various committees.

As to the seats that will become open, as you mentioned in your previous answer, because some senators will retire from the chamber, I would expect that those seats will be occupied by non-aligned senators. So have you counted those new positions, seats that exist already but that will be occupied by new senators, in the budget that you are requesting the house to approve?

Senator Andreychuk: Absolutely, because we work on what the rules are today. In fact, we do have an independent senator sitting on our committee presently. I'm not going to talk about how one becomes an independent, but we do have an independent designated senator and probably more because we will have the two retirements. So it will not be a difficult task should the selection committee wish to assign replacements because we will have the vacancies there.

Since you brought the topic up, I have been worried about displacing people who have given a lot of commitment to the committee. I always pay tribute to Senator Stewart, who chaired the committee for many years. He came with expertise and he made it an experience for all of us and we gained credibility. We did our homework and we didn't waste time or money. The committee has always worked in a very non-partisan way.

From time to time, we receive legislation. Of course, then there are different points of view brought forward.

That is the way we have worked, but we are open. If the Rules change here, we change with it. And there is now enough money and flexibility in the budget to accommodate all points of view. So it will be a continuing discussion by committee members.

Senator Joyal: Thank you very much, senator.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUSINESS OF THE SENATE

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, on a matter of house business.

I wish to inform the house that the minister attending Question Period tomorrow will be Minister Sohi, Minister of Infrastructure and Communities. In the rush of approval of the motion earlier, I was so overwhelmed emotionally that I failed to inform the house.

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (Budget—study on the transport of crude oil in Canada—power to hire staff and to travel), presented in the Senate on April 14, 2016.

Hon. Dennis Dawson moved adoption of report.

He said: Senator Fraser, with due respect for you, since I did table the budget with details last time, I came in today with the communications plan, and I came in today with all of the cities we will be visiting on the committee. But I do not have the total amount.

Senator Fraser, since the questions are often, "What do you intend to do, and what are your communication objectives," I came in with those objectives. As you know, we are studying the transportation of crude oil. This is an issue that, from Vancouver to Halifax, is bound to create some interest. This will be the first time that the Standing Senate Committee on Transport and Communications will travel with a full committee, as many members as possible, and we will be holding hearings in Calgary, Edmonton, and Vancouver. We will also, after that, go east. We will be holding hearings, next autumn, in Eastern Canada and the Maritimes — if I can use "east" because I consider Quebec to be in the east, but the honourable senator doesn't.

We have already held seven hearings in Ottawa. We do have hearings for the next few weeks. We will be going out west, as I said, in June, and we hope to be having as many members as possible. We also have an independent member on our committee, and, if another independent member is recommended over the next few weeks, we will be more than happy to accept that person on our committee.

Senator Fraser: I'm beaten into submission, Your Honour.

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

Hon. Serge Joyal: Would the honourable senator accept a question? Would the senator inform us of the magnitude of the budget to conduct the whole of the survey or hearings that you are going to hold across Canada?

Senator Dawson: I pleaded guilty right off the bat. I tabled the complete budget when I tabled the motion, but I have to admit that I don't have it in front of me today.

Senator Joyal: You don't have any order of magnitude?

Senator Dawson: Approximately \$354,652 for one year.

Senator Joyal: Thank you.

Senator Dawson: It might even be close.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

(The Senate adjourned until Wednesday, April 20, 2016, at 2 p.m.)

CONTENTS

Tuesday, April 19, 2016

| | PAGE | | PAGE |
|--|------|--|------|
| SENATORS' STATEMENTS | | The Senate | |
| The Honourable Gérard La Forest, C.C. | | Role of Government Representative. | |
| Congratulations on Ninetieth Birthday. | | Hon. Donald Neil Plett. | 496 |
| Hon. Jim Munson | 492 | Hon. Peter Harder | 496 |
| Visitors in the Gallery | | International Cooperation | |
| The Hon. the Speaker. | 492 | Canada-Panama Free Trade Agreement. | |
| Firefighters | | Hon. Joan Fraser | 497 |
| Hon. Yonah Martin | 492 | Hon. Peter Harder | 497 |
| World Intellectual Property Day | | The Senate | |
| Hon. Joseph A. Day. | 493 | Role of Government Representative. | |
| Independent Senators | | Hon. Leo Housakos | 497 |
| Hon. Leo Housakos | 493 | Hon. Peter Harder | 497 |
| International Day of Pink Gala | | Hon. Serge Joyal | 497 |
| Hon. Mobina S. B. Jaffer | 494 | Public Safety | |
| <hr/> | | Potential Electromagnetic Pulse Attack. | |
| ROUTINE PROCEEDINGS | | Hon. Daniel Lang | 498 |
| Criminal Code (Bill C-14) | | Hon. Peter Harder | 498 |
| Bill to Amend—Notice of Motion to Authorize Legal and | | The Senate | |
| Constitutional Affairs Committee to Study Subject Matter. | | Title of Government Representative. | |
| Hon. Peter Harder | 494 | Hon. Anne C. Cools. | 499 |
| L'Assemblée parlementaire de la Francophonie | | Hon. Peter Harder | 499 |
| Regional Assembly of the America Region, July 27-31, 2015— | | Aboriginal Affairs and Northern Development | |
| Report Tabled. | | Crisis on Reserves. | |
| Hon. Paul E. McIntyre. | 495 | Hon. Don Meredith | 499 |
| Bureau Meeting, January 28-30, 2016—Report Tabled. | | Hon. Peter Harder | 499 |
| Hon. Paul E. McIntyre. | 495 | Foreign Affairs | |
| Meeting of the Executive Committee and Meeting of the | | International Human Rights Report. | |
| Network of Women Parliamentarians, February 24-26, 2016— | | Hon. Thanh Hai Ngo. | 499 |
| Report Tabled. | | Hon. Peter Harder | 499 |
| Hon. Paul E. McIntyre. | 495 | Industry | |
| Official Languages | | Bombardier Inc.—Government Support. | |
| Notice of Motion to Authorize Committee to Study the | | Hon. Claude Carignan | 500 |
| Challenges Associated with Access to French-Language Schools | | Hon. Peter Harder | 500 |
| and French Immersion Programs in British Columbia and Refer | | Foreign Affairs | |
| Papers and Evidence from its Study on Best Practices for | | Earthquake Relief for Ecuador. | |
| Language Policies and Second-Language Learning in | | Hon. Claude Carignan | 500 |
| Context of Linguistic Duality or Plurality during the Second | | Hon. Peter Harder | 500 |
| Session of the Forty-first Parliament to Current Session. | | <hr/> | |
| Hon. Claudette Tardif | 495 | ORDERS OF THE DAY | |
| <hr/> | | Point of Order | |
| QUESTION PERIOD | | Speaker's Ruling Reserved. | |
| International Cooperation | | Hon. Donald Neil Plett. | 500 |
| Canada-Panama Free Trade Agreement. | | Hon. George Baker | 501 |
| Hon. Claude Carignan | 495 | Hon. Serge Joyal | 502 |
| Hon. Peter Harder | 496 | Hon. Leo Housakos | 503 |
| Public Safety | | Hon. Elaine McCoy | 503 |
| Firefighters. | | Hon. David Tkachuk | 504 |
| Hon. Yonah Martin | 496 | Hon. Jim Munson | 504 |
| Hon. Peter Harder | 496 | Hon. John D. Wallace | 504 |
| | | Hon. Anne C. Cools. | 505 |
| | | The Hon. the Speaker. | 506 |
| | | Hon. Pierrette Ringuette. | 506 |
| | | Hon. Claude Carignan | 506 |
| | | Hon. A. Raynell Andreychuk | 507 |

| | PAGE |
|--|------|
| The Senate | |
| Motion to Affect Question Period on April 20, 2016, Adopted. | |
| Hon. Peter Harder | 507 |
| Speech from the Throne | |
| Motion for Address in Reply—Debate Continued. | |
| Hon. Peter Harder | 508 |
| Hon. James S. Cowan | 512 |
| Fisheries and Oceans | |
| Committee Authorized to Meet During Sitting of the Senate. | |
| Hon. Elizabeth Hubley | 512 |
| Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Bill (Bill S-223) | |
| Bill to Amend—Second Reading—Debate Adjourned. | |
| Hon. Céline Hervieux-Payette | 513 |
| Canada Prompt Payment Bill (Bill S-224) | |
| Second Reading—Debate Adjourned. | |
| Hon. Donald Neil Plett | 517 |
| Hon. Céline Hervieux-Payette | 519 |
| Hon. Elaine McCoy | 519 |
| Internal Economy, Budgets and Administration | |
| Third Report of Committee—Debate Continued. | |
| Hon. Pierrette Ringuette | 520 |
| Motion in Amendment. | |
| Hon. Pierrette Ringuette | 521 |

| | PAGE |
|---|------|
| Foreign Affairs and International Trade | |
| Budget and Authorization to Travel—Study on Opportunities for Strengthening Cooperation with Mexico since the Tabling of the Committee Report Entitled <i>North American Neighbours—Maximizing Opportunities and Strengthening Cooperation for a More Prosperous Future</i> —Third Report of Committee Adopted. | |
| Hon. A. Raynell Andreychuk | 522 |
| Hon. Joan Fraser | 522 |
| Budget and Authorization to Engage Services and Travel—Study on Recent Political and Economic Developments in Argentina in the Context of their Potential Impact on Regional and Global Dynamics—Fourth Report of Committee Adopted. | |
| Hon. A. Raynell Andreychuk | 522 |
| Hon. Joan Fraser | 522 |
| Hon. Serge Joyal | 523 |
| Business of the Senate | |
| Hon. Peter Harder | 523 |
| Transport and Communications | |
| Budget and Authorization to Engage Services and Travel—Study on the Development of a Strategy to Facilitate the Transport of Crude Oil to Eastern Canadian Refineries and to Ports on the East and West Coasts of Canada—Third Report of Committee Adopted. | |
| Hon. Dennis Dawson | 523 |
| Hon. Serge Joyal | 524 |

Published by the Senate

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