



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, May 11, 2016

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Wednesday, May 11, 2016

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

Prayers.

### SENATORS' STATEMENTS

#### OVARIAN CANCER CANADA

**Hon. Jim Munson:** Honourable senators, I'm wearing this pin, which is the pin for ovarian cancer. If my colleagues would pay attention to what I'm going to say, I'd appreciate that.

Honourable senators, I had a meeting last week with three remarkable women representing Ovarian Cancer Canada. Monique is the former director of the organization's Quebec office. Lynn, whose mother died from ovarian cancer, is a volunteer fundraiser for the organization. Then there is Carol.

Carol is an ovarian cancer survivor, but has recently been re-diagnosed. As is too often the case when women get this cancer a second time, treatment has not worked for Carol. She plans to use the time she has left to raise public awareness of and advocate and fundraise for improvements for other women who have or will develop ovarian cancer.

Every day, five women in Canada die from ovarian cancer. This year, 2,800 women in this country will be newly diagnosed. Ovarian cancer is the fifth most common and the most fatal of women's cancers. In the past 50 years, these outcomes haven't really changed.

Ovarian cancer is difficult to detect because its symptoms are the same as symptoms of several other conditions. There is no reliable test to diagnosis the disease.

These are the harsh facts, but they are not the hard facts.

Ovarian Cancer Canada is the only national charity dedicated to overcoming this disease. The organization supports women and families. It raises awareness among and educates health care providers. On its own and with partners like the Canadian Cancer Society and the Terry Fox Research Institute, it funds much-needed research programs and grants.

Generally, honourable senators, we don't discuss or understand nearly enough about ovarian cancer. Ovarian Cancer Canada is working hard to change that.

As a man, I'm in a position to help break down barriers preventing our society from dealing with this cancer in a way that befits its risks and impact, and I am starting now by encouraging

you to turn to Ovarian Cancer Canada for information about the disease and to support the purpose and financial goals of its current fundraising campaign.

Ovarian Cancer Canada is looking for at least an extra \$10 million in government funding simply just to bring them on par with breast and prostate cancer funding. It makes a lot of sense to me.

Also, wouldn't it be nice to have the Peace Tower lit up in the colour of teal? Sunday, May 8, was World Ovarian Cancer Day, and it is every year. There is also Ovarian Cancer Awareness Month, and that is in September. We could have the Peace Tower lit up in teal.

If we can light up the Peace Tower in blue for autism on April 2, surely we can do the same for ovarian cancer. Honourable senators, we owe it to the women of Canada.

Thank you.

**Hon. Senators:** Hear, hear!

[*Translation*]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a group of people from Prévost, Quebec. They are guests of the Honourable Senator Dagenais.

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

**Hon. Senators:** Hear, hear!

#### QUEBEC

##### TOWN OF PRÉVOST

**Hon. Jean-Guy Dagenais:** Honourable senators, since we have these visitors, including my little sister, Francine Forget Dagenais, with us today, I would like to take this opportunity to talk about the beautiful town of Prévost in the Laurentians.

Founded in 1927, this municipality 10 kilometres north of Saint-Jérôme has long been considered the gateway to the Laurentians. In 1973, the neighbouring towns of Shawbridge and Lesage were amalgamated with Prévost, which led to a rapid residential expansion driven by people who wanted to enjoy both the proximity to Montreal and the beauty of the Laurentians. The

amalgamation that happened over 40 years ago helped shape Prévost's history, and I would like to share some of that history with you today.

The town of Shawbridge was named after the Shaw family, people of Irish origin who played an important role in the region's economic development. Long before there were tolls on the autoroute des Laurentides, which are now gone, the Shaw family built a toll bridge across the Rivière du Nord. They called it Shaw Bridge. At the time, in the early 1900s, people had to pay five cents to cross it, and those who refused to pay had to shovel their way across the ice in the winter to get to the other side.

Rail transportation also played a very important role in the development of Prévost. The Canadian National and Canadian Pacific lines crossed in this city. They crossed in so many places that at one point, there were three railway stations. Imagine what tourism in the Laurentians would be like today if a high-speed train served the region, instead of bike trails. From 1937 to the mid-1960s, Montrealers would take the train to ski in the Laurentians, which had three ski hills at the time, including the first ski hill in Canada with a motorized ski tow.

The Shawbridge side of Prévost was home to the famous Maple Leaf cross-country ski trail, created in 1920 by legendary Hermann Smith Johannsen, better known as Jackrabbitt.

I have two stories to share about the arrival of women in the workforce. First, the first Canadian Pacific station was built in 1898 on land belonging to the Shaw family, which had demanded that CP always keep one member of the Shaw family in its staff. That is how Georgina Shaw became the first female train station agent. She held this job from 1907 to 1944.

Prévost also welcomed the first female taxi driver. Minnie Urichuck read in the newspaper that there was a shortage of drivers when men were being conscripted during the Second World War. She went to Montreal, where she convinced the owner of Diamond taxi to give her a job driving. That was unprecedented.

I'll stop there, but if you wish, I invite you to visit Prévost and learn about its tourist route, which has a history worth knowing.

Thank you.

[English]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Her Excellency Dato' Sri Azalina Othman Said, Minister in the Prime Minister's Department of Malaysia, Her Excellency Dato' Aminah Karim Shaharudin, High Commissioner for Malaysia, and the Honourable Dr. Ronald Kiandee, Deputy Speaker of the House of Representatives, Parliament of Malaysia. They are guests of the Honourable Senator Oh.

[ Senator Dagenais ]

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

**Hon. Senators:** Hear, hear!

• (1410)

### CANADA-MALAYSIA RELATIONS

**Hon. Victor Oh:** Honourable senators, it is with great pleasure that I rise today to talk about Canada-Malaysia relations.

Malaysia has a constitutional monarchy and a parliamentary system of government. It is a federation of 13 states and three federal territories. As a multi-ethnic and multicultural society consisting of Malays, Chinese, Indian and the Orang Asli, the country is committed to advancing religious freedom and mutual respect through cross-cultural dialogue.

Canada and Malaysia have a long history of friendly bilateral relations. Canada was among the first countries to establish diplomatic ties with the Federation of Malaysia following independence in 1957. As a result, the year 2017 will mark the sixtieth anniversary of diplomatic relations between our two countries.

As one of Canada's most important trade and investment partners in Southeast Asia and the largest regional market, Malaysia is a key priority market for our country. After decades of industrial growth and political stability, Malaysia has become one of the most vibrant economies in Southeast Asia. In 2012 the state-owned energy company Petronas acquired Canada's Progress Energy for \$5.5 billion. This was one of the largest foreign investments made by Malaysian authorities to date.

Canadian companies have also invested in various sectors of Malaysia's economy and continue to employ thousands of Malaysians each year. There is a tremendous potential for increased cooperation and growth between our two countries.

On May 5, 2016, I was honoured to be elected as the Senate co-chair of the re-established Canada-Malaysia Inter-Parliamentary Group. Senator Martin was elected vice-chair. Senators Ataullahjan, Enverga and Merchant are directors. This mechanism will help promote greater understanding and cooperation between Canada and Malaysia through economic, cultural and political exchanges.

The year 2017 will be a milestone for Canada and Malaysia relations. I hope our two countries continue to work together to further enhance bilateral relations.

Thank you! *Merci! Terima kasih!*

**Hon. Senators:** Hear, hear.

## SPEECH AND HEARING MONTH

**Hon. Terry M. Mercer:** Honourable senators, before I begin my statement, I want to associate myself with the statement by Senator Munson on ovarian cancer.

In 1996, my wife Ellen was diagnosed with ovarian cancer, and I am happy to say that here we are in 2016 and she's still going strong. There is no cure for this disease, and the women who live with it struggle for many years. We're among the lucky ones. So thank you, Senator Munson.

Honourable senators, each year Speech-Language and Audiology Canada, or SAC, takes the month of May to help raise awareness and to promote education on speech, language and hearing disorders. You too can share your stories, especially online on Twitter using the hashtag "maymonth."

I was delighted to speak to SAC's Halifax conference for speech-language pathologists, students and communication health assistants at the end of April. I congratulate all the organizers, participants and presenters on this very successful conference.

I grew up on Robie Street, not far from where the conference was held. Growing up, I did not think that I would be speaking at a speech-language pathology conference — but I also did not know that I would be a beneficiary of their work because I now wear hearing aids to help me in my ability to communicate, especially with you people.

**An Hon. Senator:** That's good. Who knew?

**Senator Mercer:** In fact, my father also wore them, and I can tell you that they were not as sophisticated as they are today. He did, though, turn them off every now and then, probably to avoid a chore or two that my mother had planned for him.

Honourable senators, too often we take for granted things like hearing, speech and sight. The efforts and support of the more than 6,000 members of SAC have helped people from all walks of life across this great country of ours to communicate.

From speech-language pathologists, to audiologists, to communication health assistants, SAC aims to help people "speak well, hear well and, most importantly, live well."

The importance of early detection and intervention in the treatment of communication health issues is especially prudent given the increased importance of communication skills in this era of 24-7 communications around the world.

So, honourable senators, I invite you to join me in spreading the word that May is Speech and Hearing Month. While the identification and treatment of speech and communication health issues are key, it is also a time to highlight different

forms of communication, including sign language and the written word, because we all should recognize that people communicate differently.

Thank you, honourable senators.

## ENERGY EAST PIPELINE

**Hon. Carolyn Stewart Olsen:** Your Honour, honourable senators, I rise today to speak about the Fort McMurray disaster and its impact on New Brunswickers.

On Friday, as I flew home to New Brunswick, the plane was full and silent. I had grown accustomed to hearing the usual banter of Maritime workers returning home from Fort Mac.

This time it was different. I could smell the smoke and see the utter dejection in the eyes of the worn out and care worn New Brunswickers going home with nothing. Most of these people, many of them young, left home for the promise of good-paying jobs and a future for their families.

When I saw these New Brunswickers returning home with nothing, I could only think about the uncertain future and jobless economy they will face in New Brunswick.

It's all well and good for those who dream to lose themselves in imaginary visions of the green economy of a far-off future, but unfortunately we must face the reality that our people depend on the jobs provided by our natural resources industries.

For decades, communities all over the Maritimes, many of them among the earliest settlements established in Canada, have seen themselves diminished by the uprooting of generations of our young.

Honourable senators, it's time to bring our people home. We must remove these rose-coloured glasses and support projects like pipelines that will provide the jobs we need in New Brunswick and stop the exodus of our youth.

TransCanada says Energy East would create more than 15,000 jobs overall, including 2,300 in New Brunswick alone. The Energy East project has already been endorsed by the Government of New Brunswick.

Our Prime Minister must move quickly and signal his approval of this project before its backers leave our country for a friendlier market.

I suggest aquaculture also provides significant opportunities for federal support. Our aquaculture industry is a world leader in innovation and has the potential to create many jobs across the country. Just last summer, the Senate Fisheries Committee left the government with a highly detailed three-volume report providing information and suggestions the government could adopt to move forward.

It's clear that New Brunswick needs more investment and more infrastructure funding and more support of the many start-ups that have come out of the Maritimes.

The Prime Minister has an opportunity here to demonstrate leadership, and I ask him, I beg him, to move quickly to prevent us from losing another generation of our people.

• (1420)

## ALBERTA

### FORT MCMURRAY—EXPRESSION OF THANKS

**Hon. Douglas Black:** Honourable senators, I want to take a brief opportunity on the heels of our colleague's comments to indicate to you that, as Fort McMurray and Alberta move ahead on the very slow road to recovery, each Albertan wants to thank each and every one of you and, through you, the constituents you represent for the incredible generosity that you have shown to the people in my province. Over \$60 million has been raised and untold donations have been given to help these people. We just heard about some of their stories in New Brunswick.

I would say to you this is Canada at its best.

**Hon. Senators:** Hear, hear!

## ALBERTA 2.0

**Hon. Douglas Black:** Honourable senators, this Thursday evening and Friday, I will be in Edmonton to co-host Alberta 2.0, a conference I have established in partnership with the University of Alberta School of Business.

During many of my visits with Albertans, I have heard over and over again the need for Alberta to create a more robust and, importantly, resilient economy, one that will not only weather the current economic downturn in our province but all future fluctuations in oil and gas.

What I have heard most is, "Let's become an economy of intent rather than an economy of circumstance." That is exactly what our conference will be addressing.

Alberta 2.0 will bring together a group of nearly 60 great Albertan minds, representing a cross-section of interests and sectors, including our provincial government, Alberta's business community, not-for-profit leaders and leading academics from all of the major post-secondary institutions in Alberta.

The conference will be focused on innovation and diversification, by considering Alberta's strengths and weaknesses, and hearing about the experience of Texas in successfully diversifying their economy through innovation. The two questions that attendees will address are the steps that must be taken to develop this economy and to identify the five steps that must be taken to ensure this economy.

[ Senator Stewart Olsen ]

The results of our discussions will be formulated into an action plan for Alberta's future. The action plan will be widely shared in Alberta.

All participants are excited to contribute to this important gathering. I am extremely grateful for their attendance, as Alberta needs their leadership. I look forward to sharing the results of the conference with you at its conclusion.

**Hon. Senators:** Hear, hear.

[Translation]

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2016-17

#### SUPPLEMENTARY ESTIMATES (A) TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (A) for the fiscal year ending March 31, 2017.

[English]

## THE SENATE

### NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON MAY 17, 2016

**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 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 Tuesday, May 17, 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 40 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 ESTIMATES, 2016-17

### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

**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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2017;

That, for the purpose of this study, the committee have the power to sit even though the Senate may then be sitting, with rule 12-18(1) be suspended in relation thereto; and

That the committee be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its report at any time that the Senate is not sitting, and that the report be deemed to have been tabled in the Chamber.

### STRENGTHENING MOTOR VEHICLE SAFETY FOR CANADIANS BILL

#### BILL TO AMEND—FIRST READING

**Hon. Peter Harder (Government Representative in the Senate):** introduced Bill S-2, An Act to amend the Motor Vehicle Safety Act and to make a consequential amendment to another Act.

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

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

[Translation]

### LA CAPITALE FINANCIAL SECURITY INSURANCE COMPANY

#### PRIVATE BILL—PETITION TABLED

**Hon. Dennis Dawson:** Honourable senators, I have the honour to present a petition on behalf of La Capitale Financial Security Insurance Company, in the City of Mississauga, in the Province of Ontario; praying for the passage of a private Act authorizing it to apply to be continued as a body corporate under the laws of the Province of Quebec.

## QUESTION PERIOD

### DEMOCRATIC REFORM

#### ELECTORAL REFORM

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate.

Honourable senators, the Minister of Democratic Institutions and the Leader of the Government in the other place gave notice of a motion to propose the creation of, and I quote, an “All-Party Parliamentary Committee on Electoral Reform.”

Could the Leader of the Government in the Senate confirm how many senators will sit on that committee and what the breakdown of that number will be by party?

**Some Hon. Senators:** Hear, hear!

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and can inform the house that it is the view of the government at this time that this ought to be a parliamentary committee of the House of Commons. At some appropriate time, the Senate will be involved.

[Translation]

**Senator Carignan:** I have a supplementary question. The title of the press release published today by the ministers is, and I quote:

Government of Canada proposes All-Party  
Parliamentary Committee on Electoral Reform

It does not say “House of Commons Committee.” It says “Parliamentary Committee,” and that includes the Senate.

Can the Leader of the Government of the Senate tell us why senators are being excluded since this is a parliamentary committee? Also, if he was aware of this decision before we were, did he press the government to allow the Senate to be represented on this committee?

[English]

**Senator Harder:** I want to assure the honourable senator that I will bring his question to the attention of the government.

As to my involvement in any conversations, they are privileged in the context of my role, but I can assure the house that the answer I gave earlier is the view of the government.

**Hon. Terry M. Mercer:** By way of supplementary, I would hope that the Leader of the Government, when he makes those representations back to the government, reminds them that there are people in this chamber with many years of experience who could help a committee such as this. I can think of a number of people on the other side and a few on this side as well. I think it would be beneficial to balance the committee not only with current members of Parliament, who may have a vested interest in the outcome and how it is decided, but also with people who don't have a vested interest in an electoral process but who have experience in managing and, in some cases, actually running in an election.

• (1430)

**Some Hon. Senators:** Hear, hear!

**Senator Harder:** I can assure the honourable senator that I will bring to the attention of the appropriate parliamentarians the view that you express and obviously have some support for through the applause in this chamber.

## INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

### LONG-FORM CENSUS

**Hon. Denise Batters:** Honourable senators, last week was Mental Health Week in Canada. It was also the week the Trudeau government reinstated the mandatory long-form census — “mandatory,” of course, because Canadians could face conviction for failing to answer it. Given that, when I received my long-form census, I was outraged to see one particular question asking the respondent to disclose any emotional, psychological or mental health problems and expressly listing anxiety, depression and substance abuse.

Senator Harder, as a mental health advocate, I have chosen to speak openly about my husband's tragic struggle with mental illness, hoping to help other Canadians. I find it appalling that the Trudeau government is forcing Canadians to disclose this most sensitive and personal information about their own mental health. Given the private nature of this information, I would highly doubt the statistical accuracy of the responses anyway.

Why is the Trudeau government being so hard hearted by asking Canadians with mental health issues to choose between privacy or penalty?

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, let me respond by reiterating the government's view that the long-form census is an important component of public policy preparation in Canada. The protections of privacy are well-known to members of

Parliament and I'm sure to senators as well. The questions asked are those that are particularly important in the framing of public policy as we go forward.

I will bring to the attention of the appropriate department and minister the concerns expressed by the honourable senator, but I want to assure this house that the reinstatement of the long-form census is an important element of having a research, science-based approach to public policy development.

## FINANCE

### SMALL BUSINESS TAX RATE

**Hon. Yonah Martin (Deputy Leader of the Opposition):** My question is for the Leader of the Government in the Senate.

Small businesses are absolutely critical to the health of the Canadian economy, as we all know, which is why our previous Conservative government committed to cutting the small business tax, from 11 per cent to 9 per cent by 2019, to help these businesses grow further.

I can speak from experience with my friends and their friends, members of the Korean Canadian community, for instance, where 1 per cent can be the difference between staying open or closing. Every per cent matters.

Speaking to your government's first budget, Minister Morneau stated, “. . . what the Canadian middle class needs most is strong economic growth.” Leader, how is increasing the small business tax rate by 1.5 per cent over the next three years helping small business owners?

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

As you will know from Minister Morneau's appearance here in this chamber last week, he addressed the broader context of questions with respect to small business. I'm happy to inform the Senate today that at the next Senate Question Period for ministers, the Minister of Small Business and Tourism will be here in the chamber.

I can assure the honourable senator that I will alert the minister responsible to the question she posed to ensure that it is addressed at the next ministerial appearance.

**Senator Martin:** Thank you, leader.

I was listening carefully to the broader perspective. That, in part, is my concern. When we look at the on-the-ground, specific issues of small businesses, these are small businesses with under



10 employees — maybe even one or two, the mother and the father — keeping their stores open for 16 hours a day. I want to reiterate that 1 per cent, half a per cent or a quarter of a per cent will make that different for them.

Leader, what specific measures will your government introduce or implement to support the small business owners who are at the heart of Canada's economy?

**Senator Harder:** Again, I want to thank the honourable senator for her question. While it is not particularly relevant for a response, I want to indicate to the house that I come from a family that was very much engaged in small business. There was one employee, my mother — I guess two, myself included. I appreciate from my experience growing up in a small business environment the importance of the question that you're asking.

I can assure the honourable senator and all senators that the Government of Canada is well aware of the importance that small business brings to the economy and is focused on how to grow small businesses into sustainable, resilient and perhaps even larger businesses in the years ahead.

#### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

##### UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

**Hon. Dennis Glen Patterson:** Honourable senators, my question is for the Government Leader in the Senate.

This week, the Government of Canada removed its objections to the UN Declaration on the Rights of Indigenous Peoples and signalled, in the words of Minister Carr, that it is planning to implement a "Canadian definition" of the treaty.

While the federal government has jurisdiction to regulate some resource development projects in Canada, most resource development projects are regulated by the provinces and territories and through processes established in modern treaties.

What is the government's plan to implement a Canadian definition of the UN Declaration on the Rights of Indigenous Peoples? Will this plan include consultations with provincial and territorial governments?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I can assure him that is the practice of governments of Canada past and present, namely that in implementing international treaties there is appropriate consultation with relevant jurisdictions to ensure both proper understanding of and alignment to the commitments Canada has made.

**Senator Patterson:** There are concerns about this new step making it more complex if not more difficult to get things built in Canada. The government leader in the Senate has indicated there will be the start of a consultation process. Could the leader comment on the time frame for this consultation process, which hopefully will lead to clarity on the meaning of this step by Canada?

**Senator Harder:** Honourable senators, I would be happy to undertake to inquire with respect to time frame and report back.

#### FOREIGN AFFAIRS

##### SAUDI ARABIA—ARMS DEAL

**Hon. Thanh Hai Ngo:** Honourable senators, my question is for the Leader of the Government.

Prime Minister Trudeau keeps stating that safeguarding human rights and freedoms both here and abroad is of utmost importance to his government. However, the Canadian government remains committed to follow through on the \$15 billion deal to sell Canadian armoured vehicles to Saudi Arabia in the face of opposition from the public and from a large number of human rights groups.

Canada's arms export control regime clearly states that export permits for weapons sales to countries with poor human rights records cannot be issued unless it can demonstrate that there is no reasonable risk that the goods might be used against civilian populations.

During his interview with Radio Canada on January 5, 2016, Minister Dion affirmed that his government followed very strict and rigorous procedures on this arms sale deal and that also he received all possible guarantees from the Saudi government that these armoured vehicles will not be used against Saudi civilians.

However, this morning, the *Globe and Mail* reported that it has received video footage from 2012 and 2015 which clearly shows that the Saudi regime used armoured vehicles against protestors.

• (1440)

The *Globe and Mail* also independently verified that the footage was filmed in Saudi Arabia. We all know that Saudi Arabia is a violator of human rights. My question to you, Mr. Leader: Does this not constitute reasonable risk under the arms control regime, and how can the government continue to support the arms agreement?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and would like to remind the Senate that the contract to which the honourable senator refers was signed in February of 2014. To the extent that it became an issue thereafter, all leaders had expressed concern

that this go forward because of the economic benefits, which I won't go into, but which are well-known in terms of the advantages, particularly in London, Ontario, of the contract.

It is true that the export licenses were signed as early as April 8. This is part of the obligations of the contract. If the government had not pursued that step, it would have led to a contractual dispute, which could have had important negative consequences. I also want to assure the honourable senator, and all senators, that the Government of Canada continues to engage actively with the Government of Saudi Arabia and its counterparts at various levels on the importance of human rights and the importance of appropriate civil engagement. I would also remind the chamber that Saudi Arabia is a strategic regional ally and an active partner in our legitimate strategic interest in the region. That doesn't absolve us or the Saudi government of the need for transparent reporting, nor will it absolve the Government of Canada from its ongoing efforts to engage on human rights issues. *The Globe and Mail* story is one, of course, that will be part of the ongoing engagement with the Government of Saudi Arabia.

[Translation]

## NATURAL RESOURCES

### ENERGY EAST PIPELINE

**Hon. Percy Mockler:** My question is on the Energy East pipeline. Is this a project that will help create lasting jobs in New Brunswick and Atlantic Canada? Yes.

[English]

Is it a nation-building project? Yes. Will Energy East create over \$1 billion in additional tax revenue? Yes. Former, Liberal Premier Frank McKenna is among the many individuals calling for an east-west pipeline immediately to get Canada's energy resources to market. My question to the government leader is very simple: Does he agree with Mr. McKenna on the benefits of the Energy East project, and will he make the case to his colleagues in the Trudeau government that this project is not a luxury item but a needed item for Atlantic Canada?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. It is always good to hear Premier McKenna quoted by notable Canadians, of which the senator is obviously one. I would be happy to bring to the attention of the government the words of former Premier McKenna and can assure the house that Premier McKenna's words are always taken with due consideration.

**Senator Mockler:** But I have not heard what the Leader of the Government in the Senate will do.

**Senator Harder:** Let me assure the honourable senator that I will bring the words of former Premier McKenna on this important issue to the attention of the appropriate government authorities and convey, as well, the honourable senator's view endorsing the views and words of the former premier.

[ Senator Harder ]

[Translation]

## FINANCE

### STATE OF THE ECONOMY

**Hon. Senator Carignan (Leader of the Opposition):** I would like to continue on the theme of quotes from famous people. Later today, the official portrait of the Right Honourable Paul Martin will be unveiled. This is an excellent opportunity to reflect on the legacy left by a man who, before becoming Prime Minister, was someone we could describe in a non-partisan manner as an effective finance minister.

During his speech on budget 1995, Minister of Finance Paul Martin said, and I quote:

The time to reduce deficits is when the economy is growing.

According to the Bank of Canada, Canada's economy will grow by 2.3 per cent in 2017. I did indeed say that the economy will grow. Leader of the Government, do you agree with Paul Martin that the time to reduce deficits is when the economy is growing?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable Leader of the Opposition for his non-partisan question. Having been associated, as the Secretary of the Treasury Board, during this period of program review and fiscal constraint, I can assure the honourable senator that I was active and happy to support the budgets of that era, which, for the first time, gave us a very sustainable economic performance and reduced our overall debt to GDP and reduced overall GDP expenditures. The Government of Canada is firmly of the view that the economy is in a weak state, even though it is growing at some level. It, along with others, is of the view that a degree of stimulation is required, and that is what the budget is implementing. It is a view that has been endorsed by other notable observers of the economy, including the IMF. I will leave to the former prime minister the opportunity to give his views.

[Translation]

**Senator Carignan:** Am I to understand that the Leader of the Government is questioning the Bank of Canada's expertise with respect to its growth forecast for 2017?

[English]

**Senator Harder:** Certainly not. I think that the Bank of Canada's views are always important for consideration in the development of public policy. The Government of Canada takes the Bank of Canada's economic forecast seriously. There are other forecasters that the Government of Canada has consulted on a regular basis over the years. I would also, in the context of the Bank of Canada, acknowledge the support of the Governor of the Bank of Canada for the stimulus that the budget of Canada has provided for.

## FOREIGN AFFAIRS

## SAUDI ARABIA—ARMS DEAL

**Hon. Thanh Hai Ngo:** This is a late follow-up question for the Leader of the Government. Your answer is not what I would like to have. I would like to also mention that in an interview last month with *The Globe and Mail*, Minister Dion said that Global Affairs has looked at everything, and they made the recommendation to approve the export permits. He also said that he was willing to consider new evidence. Since we now have new evidence, what kind of measures will the Canadian government take?

**Hon. Peter Harder (Government Representative in the Senate):** I would like to thank the honourable senator for his supplementary question. Of course, as new evidence comes forward, it would be irresponsible not to pay some attention and give some weight to it, as I'm sure the Department of Global Affairs is doing. I do not have anything to report at this time with respect to the new evidence informing a different view. I wanted to ensure that all senators are aware of the context of the agreement that was signed in April 2014.

• (1450)

## PRIVY COUNCIL

## PORTFOLIO FOR SENIORS

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

Seniors of Canada are at the heart of Canadian society and have contributed so much to the foundation of our great country from coast to coast to coast. Seniors in Canada could count on our previous Conservative government to support them by delivering on our funding commitments through programs like the New Horizons for Seniors, and I know, having worked with former Minister of State for Seniors, Minister Alice Wong, her commitment was absolutely solid.

Tomorrow, we're going to have in our chamber a group of seniors from the GTA, the Hanka Seniors' Association. They are one example of a seniors' group that have benefitted from this funding program. They have run really wonderful programs that empower other seniors, reduce social isolation and provide education regarding elder abuse.

While seniors in Canada knew that our Conservative government would reliably have a minister of state for seniors to fight for them, it is concerning that the current prime minister has not made that a priority.

Leader, given the absence of a dedicated seniors' portfolio at the cabinet table, can seniors in Canada expect the same level of funding for the New Horizons for Seniors Program and other programs seniors enjoyed previously under our government?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. Let me respond in two ways. First, I wish to assure the honourable senator that the well-being of seniors is very much at the heart of the considerations of the Government of Canada in its economic and social policies. As to the specific funding of the program, I will make inquiries. I don't have that detail with me.

With respect to the absence, as she referenced, of a minister dedicated to seniors, it was the view of the Prime Minister on forming his government that it was important to have a smaller government. While the responsibilities for seniors are represented in Canada, there is not a dedicated seniors' minister. I would refer to the fact that there are 25 per cent fewer ministers in this cabinet than the predecessor cabinet.

**Senator Martin:** I can appreciate the desire to perhaps do that, but it is also concerning seniors groups, for those who advocate on behalf of seniors that if there isn't a dedicated portfolio, that sometimes the unique needs of seniors could be missed. If the Prime Minister truly values Canadian seniors, what specific programs does his government intend to introduce that will address these important needs?

**Senator Harder:** It would not be appropriate for me to indicate what the government intends to introduce but rather to report what the government has introduced. I'm happy to take the questions posed under consideration and will respond appropriately.

## NATURAL RESOURCES

## ENERGY EAST PIPELINE

**Hon. Wilfred P. Moore:** My question is also for the Leader of the Government in the Senate. It is supplementary to Senator Mockler's question.

Leader, when you make Senator Mockler's comments known to your cabinet colleagues with regard to the remarks of Mr. McKenna, I hope that you'll also make remarks to the effect that we have the qualified people to build this. We have the facilities to process this. I think you would have the support of the senators from the Atlantic region and probably indeed from Quebec. I urge you to make this appeal, knowing that you have the support. I think I can speak for other senators here from Atlantic Canada and from Quebec that this is very important for our region. I ask you to do that and hope that you will.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator very much for his comments. I take by the support that his comments have received in this chamber that it is a part of how I will convey the sentiment of the Senate on this important matter.

**Hon. Elaine McCoy:** Just to add to Senator Moore's comments, and I'm sure there are other colleagues of mine from Alberta, could he indicate that we too would be supportive of a positive message to the Government of Canada?

**Senator Harder:** Indeed.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour of tabling, in both official languages, the answer to an oral question asked by the Honourable Senator Poirier on April 14, 2016, concerning linguistic duality; and the answer to the oral question asked by Senator Carignan on May 5, 2016, concerning the funds for Montreal's three hundred and seventy-fifth anniversary celebrations.

### OFFICIAL LANGUAGES

#### LINGUISTIC DUALITY

*(Response to question raised by the Honourable Rose-May Poirier on April 14, 2016)*

The Government proposes to return the age range of those required to meet language and knowledge requirements for citizenship back to where it was before 2015 — to those aged 18-54 from the current larger age range of 14-64. This will remove a potential barrier to citizenship for applicants in both the younger and older age groups. For minor applicants, learning English or French and having an adequate knowledge of Canada is already achieved through schooling in Canada. For the older age group (55-64), language acquisition and knowledge of Canada will continue to be supported through a wide variety of integration services available to them.

### CANADIAN HERITAGE

#### MONTREAL—FUNDS FOR THREE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY CELEBRATIONS

*(Response to question raised by the Honourable Claude Carignan on May 5, 2016)*

- On 30 July 2015, the Government of Canada announced a \$30 million investment to illuminate the Jacques-Cartier Bridge in order to mark the 150th anniversary of Canada and the 375th anniversary of the City of Montréal celebrations in 2017.
- On March 17, 2016, Minister Joly announced an investment of up to \$ 4 million for Expo 67 Commemoration projects in partnership with the Society for the Celebration of Montréal's 375th Anniversary.
- Other discussions are underway between the Canada 150 Federal Secretariat and the Society for the Celebration of Montréal's 375th Anniversary to maximize the impact of federal investments and ensure successful 2017 celebrations in Montréal.

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Patterson, for the second reading of Bill S-217, An Act to amend the Criminal Code (detention in custody).

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** This bill we do understand addresses a serious issue, and our side will be ready to speak to it next week. In the meantime, I move the adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

• (1500)

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Day, for the second reading of Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

**Hon. Leo Housakos:** Honourable senators, I wish to speak to this item, but I am asking for agreement from the Senate that it remain on the Order Paper in the name of the Honourable Senator Plett, who wishes to speak on it shortly.

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

**Hon. Senators:** Agreed.

**Senator Housakos:** Thank you.

Honourable senators, I rise today to speak on the motion proposed by my friend the Honourable Senator Terry Mercer. Should the Senate of Canada elect our Speaker?

Debate about reforming the upper chamber is as old as our nation itself. Indeed, this institution was essential in arriving at a compromise, bringing the diverse nations of francophones and

anglophones together to form this great country. The hand-wringing over what to do about the Senate began almost immediately. Here we are, a century and a half later, still wringing our hands.

In light of some of the more recent events that have taken place here in the Senate, I think I can safely say we all recognize the need to do some things differently; however, I'm not sure we all agree on what those things are and how those changes should be made. One must remember that the Canadian political system, in effect, is based on precedent and convention, reflecting more than two centuries of compromise and understanding. When considering making changes, we must ask ourselves what problem we are seeking to solve and what the long-term ramifications will be.

It is now, with some of our critics at their loudest, that we must exercise great restraint not to tinker with things just to quiet the frenzied calls for reform and, in turn, end up finding ourselves with an institution that is neither recognizable nor able to function. It is crucial that we continue to focus our efforts on implementing real, meaningful change that will clearly demonstrate to Canadians on a daily basis our commitment to efficiency, transparency, accountability and, above all else, the guiding principle of respect for taxpayers, just as we did last week with the adoption of the new disclosure model.

While I commend my colleague's desire for change, I worry that in the face of enormous criticism, we are being too quick to cast off traditions and conventions that have served, and continue to serve, this institution and this country so well for so long.

The forefathers of Confederation gave great consideration and spent enormous effort in adopting a British parliamentary system and then modifying it into our current hybrid model. Based primarily on the Westminster tradition, while adjusted to meet the needs of Canada's reality, our system has been the cornerstone of our success for nearly 150 years.

My fellow colleagues, rules and traditions in our parliamentary democracy are fundamental to its functioning. Adopting language that is consistent with these rules and then overturning them without due process is a breach of the Constitution and the Parliament Act. This motion, proposing that the Senate of Canada elect its Speaker, contravenes the Constitution and, in essence, the actual role of our Speaker as it was designed.

The founders of our nation created an unelected Senate expressly and with good reason. Like our cousins in Great Britain, the role of the upper chamber was not to duplicate the role of the House of Commons. In essence, the Senate was specifically conceived to serve as an independent chamber of sober second thought, away from the pressure cooker of electoral politics, to represent regional and provincial interests while providing an essential contribution through debate using logic and reason to enhance the work of the chamber of public will.

I must underscore that our role requires discipline, intellectual rigour and a commitment to ensuring we remain independent from the pressure of public opinion polls, while elevating the level

of debate based strictly upon reason and logic. With that said, electing a Speaker in an appointed legislative body has no logical basis, and without a doubt I believe that following the model from the House of Commons where the Speaker is elected would only serve as an affront to this chamber's history and constitutional obligations.

Honourable senators, I must reiterate: Our chamber was designed not to function like the elected body for specific reasons, not the least of which, as you can imagine, is the legislative deadlock we would be thrown into if we woke up tomorrow and sitting here were 105 senators who had been elected but were not reflective of the government of the day.

The Senate's role is not to thwart the will of the people as represented by members of the House of Commons. However, that is, indeed, what would happen more times than not if the Senate became a second chamber elected from the popular will. If being elected is what determines credibility and accountability, why stop at the Senate? Why not the Supreme Court? Why don't we also elect Supreme Court justices? Why not the Governor General? Colleagues, where will it end?

As we are all aware, the debate about transforming the Senate into an elected body has already stumbled into the very real political trauma that can dangerously occur when it comes to matters of constitutional change. Indeed, when one considers the constitutional crisis of the previous century, there is little appetite among Canadians to undermine the relative political tranquility we have established.

Colleagues, we must learn from the failings of Prime Minister Harper when considering Senate reform and, by extension, we are obligated to carefully consider the ruling of the Supreme Court of Canada regarding this issue. It is only through the process of concrete changes to the Parliament Act and amending the Constitution that we can make modifications to an independent house of Parliament such as the Senate.

We currently find ourselves navigating through murky waters, as we are forced to accommodate the agenda of the governing party from the other place. However, I caution against muddying the waters even further by attempting to fix something that is not broken merely to suit an agenda or because the opportunity presents itself — even worse, doing so without proper consideration of the traditions and laws of this country governing such changes, including the act and the Constitution.

My fellow senators, the position of the Speaker of the Senate of Canada was not designed to function at all like the Speaker of the House of Commons. As my predecessors and mentors, Speakers Kinsella and Nolin, stressed to me, "The Speaker in this chamber is a barometer for consensus" — very different than the Speaker of the House of Commons. Furthermore, the Speaker is responsible for decorum, but unlike the Speaker in the elected chamber, our Speaker has the right to participate in the debate and the right to register his or her vote from the chair.

Dear colleagues, I must also strongly emphasize a fact you are all aware of: the importance of parliamentary protocol in our system of government. In order of priority, the Canadian

parliamentary protocol structure includes the following: First in line is the Governor General; second, the Prime Minister; third, the Chief Justice of the Supreme Court of Canada; and, fourth, our very own Speaker of the Senate. I remind everyone of a critical fact, as designed by our forefathers, that the top four individuals in our structure of parliamentary protocol have one thing in common: They are all appointed and not elected.

In our Constitution, the Speaker represents our executive branch while serving his or her role as Speaker in this chair. However, we must also remember that the role of the Speaker does not begin and end in this chamber; indeed, the role of the Speaker of the Senate extends beyond this chamber and encompasses diplomatic and official duties as a representative of the government of the day. This critical aspect may be undermined severely should we attempt to implement a system requiring the election of the Speaker.

This last fact is clearly stipulated in our Constitution, which defines the dignity and importance of the office of the Speaker. Again, this fact is acknowledged according to the order of precedence that I just described.

Furthermore, our Constitution requires that the Governor General, the Chief Justice of the Supreme Court of Canada and all senators are all appointed on the final advice of the Prime Minister. As a result, we all derive our legitimacy from the Constitution and the Prime Minister, who is the chosen leader of the political party that garners a majority of support in the House of Commons.

Colleagues, I know that to some of you here today the words “political parties” is a dreaded concept, but I have news for you: In our parliamentary democratic system, it is those parties who engage Canadians in political discourse and drive policy debate, who nominate candidates to stand in elections for the House of Commons, and who ultimately choose among their members the candidates who serve as prime ministers. There is no shame in political affiliation, just as there is no shame in being appointed, whether as a senator or as Speaker of the Senate of Canada.

• (1510)

Dear senators, this motion calls into question our Constitution, laws and traditions and, effectively, much more than that. It calls into question the Prime Minister’s constitutional obligation and, just as importantly, his judgment. If any prime minister is sound enough to appoint individual senators, then surely we must all agree that he or she is sound enough to appoint a Senate Speaker.

Again, while I commend my colleague Senator Mercer in his desire for change, I implore each and every of us to not lose sight of what that change should be if we are truly going to earn back the trust and confidence of the Canadian people.

We must continue to enact measures that guarantee real, tangible and meaningful change rather than just cosmetic strategies. This is what Canadians are demanding of us, and this is what Canadians deserve. We must, first and foremost,

clearly demonstrate to Canadians our commitment to efficiency, transparency and accountability, and not structural changes that will do nothing to build a sense of trust.

My fellow senators, above all else we must focus upon fulfilling our role as protectors of the Constitution while carrying out our responsibilities in engaging in political discourse and providing added value to the legislative process here in Canada, and that’s a process that Canadians expect and deserve.

Thank you very much.

**Hon. Senators:** Hear, hear.

**Hon. Terry M. Mercer:** Will the senator accept a question?

**Senator Housakos:** Absolutely.

**Senator Mercer:** Having heard you speak, I wonder whether you read the bill carefully. The bill didn’t call into question the Constitution. It provides an amendment to the Constitution that gives this house the authority to elect our chair, and changes how the chair operates in order to make it conform more to that process. You used the words “contravenes the Constitution,” when indeed it doesn’t contravene it; it amends it through a process that is accepted by constitutional experts and defined. Have you noticed that?

I find the debate on this sometimes confusing because the United States Senate, when it was first formed, was appointed. It evolved into an elected body, and as it evolved, guess what else happened? Power shifted from the House of Representatives to the Senate, and they have had problems with it.

The process of this bill is for us, collectively, here, to choose the person who sits in the chair there and oversees the debate and rules on debate processes and helps to keep some order in here.

Interestingly enough, you made reference to the Prime Minister, and the current Prime Minister has told the public, and us, through his appointments, that he wants this place to be more independent. Well, if it’s going to be more independent, then should we not be selecting our own chair to help mediate our debates?

**Senator Housakos:** Thank you, Senator Mercer. I did read the bill with quite a lot of interest, and I did see that it does refer to amending the Constitution. But last I checked, amending the Constitution of Canada requires a particular and unique formula; it never said that amending the Constitution of Canada starts in the Senate with a bunch of senators who stand on their feet and say they want to amend the Constitution. If it were as easy as that, we probably would have come to a consensus on a number of issues.

When we talk about making some kind of evolutionary change in the legislative body, we’re not talking about just tinkering with our rules; you’re talking about tinkering with the fourth person in the protocol of the parliamentary system of Canada. When we

take such a decision, this is not, again, someone who uniquely represents this chamber; the Speaker of the Senate of Canada represents the Crown.

In the House of Commons, the Speaker represents only one thing, and that's the House of Commons. In the Senate, the Speaker represents the Senate, but ultimately also is a representative of the government, and that's crystal clear in our Constitution. If we want to make such a vital change to our Constitution, I'm all for reform — I love the word — but we should sit down and do it within the confines of the amending formula and respect it.

I'm also in favour of more independence, and nothing has prevented a single senator in this place from being independent. It requires just the will and capacity to say, "I stand for something on principle." I have, in the past, voted against my caucus on issues that I thought were principled. I have stood up in this chamber and done so, as others have on both sides. If we feel principled enough on an issue, we have the capacity to be as independent as we wish.

Do you know what the ultimate independence in this chamber is? That once you're named by the Prime Minister, you're here until the age of 75. He can't recall your nomination because he's mad at you, and every four years, you don't go before the people, under the pressure of the politics of the day, in order to kowtow to unprincipled positions in favour of public opinion.

You can't get more independent than that, Senator Mercer.

**Senator Mercer:** It seems to me, Senator Housakos, that you might have missed one of the main points of this bill, which is that this house has the authority to amend this part of the Constitution. This does not require the cumbersome constitutional requirements that would be in place for a major amendment to the Constitution. That has been ruled on by many others. I'm not a lawyer; I have relied on a number of experts to give me that advice. This does not require the famous seven and 50 per cent rule that we require to amend other parts of the Constitution. This has to do with the actual running of this Parliament.

**Hon. Joseph A. Day (The Hon. the Acting Speaker):** Senator Housakos, I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

**Senator Housakos:** May I have five more minutes to give my friend Senator Mercer the courtesy of a response?

**The Hon. the Acting Speaker:** Are honourable senators in agreement?

**Hon. Senators:** Agreed.

**Senator Housakos:** As we know as Canadians, the beauty of our constitutional debate is that legal opinion always depends on what lawyer you ask. I suspect, Senator Mercer, that if we make such a fundamental change to this chamber, some lawyer in the country will have a different point of view than the lawyers you have spoken to and will probably challenge it, with a great deal of aggressiveness, in front of the Supreme Court of Canada.

I suspect my perspective vis-à-vis making such a fundamental change to the protocol of the country will be challenged, just like, for example, electing a senator — as Alberta has done in the past — was really not constitutional if you read the ruling of the Supreme Court of Canada. If the Prime Minister of the time chose to take those elected senators and name them to the chamber, it was because the Prime Minister had that final say.

Yes, we can make suggestions, and the Prime Minister of the day can make recommendations, but even he has to respect the Constitution. I think this chamber has to be very careful; we're going down a slippery slope. I agree with Senator Bellemare, who, I believe, said in one of her discourses last week that our number one responsibility is to be respectful of the Constitution and the governance in this land.

The other thing we have to keep in mind is whether we have seen any reason to be tinkering with this particular issue. Have we seen our current or previous Speaker, in any way, shape or form, show any lack of dignity or respect for this chamber when carrying out his quorum and responsibility on behalf of the Crown and the government when it comes to diplomatic duties?

When we're expending so much time and energy to make such a fundamental change, there must be a more legitimate reason other than the need to reform because the public says there is something wrong with the chamber. A number of polls say that, but have we genuinely identified what the public needs to change its perspective? When it comes to independence or transparency, maybe it's a question of how we survey and what we do rather than the symbols that really guide this institution.

**The Hon. the Acting Speaker:** On debate.

**Hon. Pierrette Ringuette:** Question.

**Hon. Kelvin Kenneth Ogilvie:** Would the Honourable senator accept a question?

**Senator Housakos:** With pleasure.

**Senator Ogilvie:** I listened very carefully to your presentation. It was very thoughtful, and I certainly understand the issues of respecting tradition, as well. Ultimately, however, it comes down to the effectiveness of administering the Parliament of Canada and the operation of this chamber.

Do you think that an elected Speaker from this chamber would be less capable of delivering on the responsibilities and all of the requirements of the Senate of Canada in fulfilling its duties to the people of Canada than one chosen through the process that you've outlined?

• (1520)

**Senator Housakos:** That's an excellent question, Senator Ogilvie. The answer is yes, it would be a major hindrance for the Speaker to be able to carry out his duties. As a case in point, after the last federal election, clearly the government of the day was tossed out by the democratic will of the people and the new government came in.

The structure of this institution is to have some degree of continuity. Given the fact that it's an appointed body rather than elected, there is a period of time in transition of governments when this chamber has the majority of senators that represent the view of the previous government. That's in the history of this place.

Imagine the position of the Speaker of this chamber, a representative of the Crown and of the government of the day in diplomatic responsibilities. How could a defeated party in an election impose on the government of the day a Speaker who would conduct diplomatic duties on behalf of the government but did not represent the views of that government?

The outgoing Speaker, yours truly for example, would have had a hard time with some of the foreign policy positions of this current duly elected government. Perhaps I could have won an election in this chamber as Speaker, but I would have had a hard time being a true representative of the executive in the government in fulfilling the diplomatic responsibilities of the Speaker. That would be grossly unfair to a duly elected incoming government and would contravene the spirit and role of the Speaker.

**Senator Ogilvie:** I listened carefully and you explained your point very well. I have difficulty accepting the conclusion you arrive at because it would seem to me that a Speaker chosen from this independent body, chosen wisely by your colleagues in the Senate, should be capable of representing the issues of government at any time within the requirements of the role of the Speaker of the Senate.

(On motion of Senator Housakos, for Senator Plett, debate adjourned.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRD REPORT OF COMMITTEE—MOTION IN AMENDMENT—POINT OF ORDER— ORDER STANDS

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.

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

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.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, on the point of order raised by Senator Ringuette, Senator Wells is absent today and tomorrow. Therefore, I request that the debate on this point of order be adjourned until Tuesday, May 17.

**Hon. Pierrette Ringuette:** Honourable senators, I understand that the time allotted to the point of order is the prerogative of the Speaker and that 24 hours has elapsed since I put forth the point of order. That is not really different from the amendment I moved to the report of Internal Economy, which is not public. So the issue is not new either to Internal Economy or to the Subcommittee on the Senate Estimates. It is a very simple issue: No documents are public.

I really object to requesting what you did, not because of the fact that Senator Wells is not here today or tomorrow but the fact that yesterday he was in this chamber when the request was made for further debate on this point of order to be dealt with today. At that time, he never indicated that he would not be here today or tomorrow.

Honourable senators, there seems to be a trend with regard to points of order in the chamber. You will recall that last week a point of order was discussed in this chamber and then closed. A few days later, there was a letter from Senator Carignan to the Speaker asking if it was possible to reopen the discussion on the point of order, and it was agreed to by the Speaker. I respect that prerogative of the Speaker.

Nevertheless, it seems to indicate to this chamber and to the Speaker that a kind of precedent-setting is being established in the matter of when to close a point of order.

I also want to stress that most of the time when we hear discussion about points of order in this chamber, the leader and the deputy leader of the party of the senator who raised the point of order usually debate the point of order.

Honourable senators, this is a simple point of order. Senator Wells said in this chamber that these documents were public, while they are not. You can look at the website, and we triple-checked with the committee staff. That's the issue. I do not understand why we would allow a full week to complete the debate on this point of order.

**The Hon. the Acting Speaker:** Thank you, Senator Ringuette and Senator Martin, for your comments. However, given the nature of this point of order, I believe it appropriate to adjourn the item until the parties implicated are in the chamber. This matter will be deferred.

**Senator Ringuette:** Honourable senators, I raise a further point of order in respect of the item just debated. I have just been



informed that Senator Wells is on Parliament Hill. I don't think the requested delay of the point of order should be adhered to.

**The Hon. the Acting Speaker:** Does anybody wish to comment?

**Senator Martin:** Honourable senators, I said that he is regrettably absent in this chamber at this time and will not be here tomorrow, so I asked for the debate to be adjourned until Tuesday.

Senator Wells wishes to speak to the point of order. I am not a member of the committee, so I ask again that it be adjourned until Tuesday.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** I'm not sure that points of order are in order on a Speaker's ruling.

That said, I would like to respond to a comment Senator Ringuette made in her earlier remarks when she suggested that we were setting a precedent by establishing a trend of postponing debate on points of order. I would just like to observe that, yesterday, when I suggested that this debate be deferred, I made a point of saying that this was an unusual matter — not unprecedented, but unusual. And if my recollection is correct, in regard to the previous instance where he allowed renewed debate at the request of Senator Carignan, the Speaker himself made a point of saying it was highly unusual to do this. This is my recollection.

• (1530)

We're not setting a precedent here. We are doing something that is unusual, and I'm sure will continue to be extremely unusual, but it is not a precedent, and it is within our rules.

**The Hon. the Acting Speaker:** Thank you, Senator Fraser. I would like to confirm for the record that I don't consider this as setting a precedent. Second, I do not believe that the honourable Deputy Leader of the Opposition in any way intended to mislead.

Therefore, my order that the matter be deferred until the parties involved are in the chamber stands.

(Order stands.)

## HUMAN RIGHTS ABUSES IN IRAN

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Frum, calling the attention of the Senate to egregious human rights abuses in Iran, particularly the use of torture and the cruel and inhuman treatment of unlawfully incarcerated political prisoners.

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, multiple Iranian sources have reported that the election of a more moderate Iranian president in 2013 has not helped improve the human rights situation in the country. Despite the change in leadership, hundreds of Iranians remain behind bars as political prisoners, many of them enduring torture and long durations in solitary confinement.

I wish to share with you my particular concern for Mr. Saeed Shirzad, a prisoner of conscience who was detained in Raja'i Shahr Prison, regarded as one of Iran's harshest jails. A non-violent civil rights activist, Saeed was first arrested in August 2012 along with dozens of others for volunteering in an independent initiative that provided relief to earthquake victims of the East Azerbaijan province of Iran.

Saeed was released after 19 days of detention and continued his peaceful human rights activism. Sources close to him say his advocacy work was focused on defending the rights of child labour workers in Iran and providing educational support to the children of political prisoners.

In June 2014, Iranian authorities arrested him for the second time. According to the Human Rights Activists News Agency, Saeed was first transferred to Evin Prison and then exiled to Raja'i Shahr Prison without any trial, the prison where he currently remains.

Following his arrest, Saeed was reportedly held in solitary confinement for more than two months, where he was subjected to multiple interrogations and physical and psychological torture.

In September 11, 2015, an Iranian court sentenced him to five years in prison for the vague charge of "gathering and colluding against national security," a charge that appears to be directly linked to his peaceful human rights activism, including maintaining contact with the families of political prisoners and his cooperation with the office of the UN Special Rapporteur on the situation of human rights in Iran.

Honourable senators, various human rights organizations have called for Saeed's immediate release, including Amnesty International, which claims he is being detained solely for his peaceful activism. Please join me and our civil liberty partners in denouncing the arrest and detainment of this unlawfully held prisoner. As a member of the Senate of Canada, I call for his immediate release.

**Hon. Carolyn Stewart Olsen:** Honourable senators, I rise today to support teachers in Iran. I'll tell you the story of Esmail Abdi, a high school math teacher and general secretary of the Iranian Teachers' Trade Association.

Mr. Abdi was arrested on June 27, 2015. His apparent crime was attempting to leave Iran to obtain a Canadian travel visa. Mr. Abdi had been scheduled to attend the seventh World Congress, held by Education International here in Ottawa. Soon after his arrest, he was transferred to the notorious Evin Prison, run by Iran's Revolutionary Guards, elements of which are listed by Canada as designated terrorist entities.

Mr. Abdi was subjected to 17 days of interrogation while being held in solitary confinement, without access to family, a lawyer or any semblance of due process. In February 2016, Mr. Abdi was sentenced to six years' imprisonment. The courts claimed he is guilty of spreading propaganda against the regime and gathering and colluding against national security. These charges stem from Mr. Abdi's activities as a teacher and activist for better educational standards within Iran.

As Canadians, we can be proud to live in a country that stands behind its teachers and defends every citizen's right to freedom of speech and freedom of association. We have a strong record of holding the Iranian regime to account for its crimes, both against its citizens and abroad. I'm proud to stand here once again as a Conservative, calling for my colleagues in the Senate and the government to join me in condemning Iran's treatment of its teachers and calling for the release of all citizens imprisoned under these dubious circumstances.

Thank you.

**Hon. Jim Munson:** Honourable senators, there was a time when I was a reporter. In the late 1980s, I was assigned from London to go to Iran. We were welcomed; we were actually given an invitation by the Iranian government at the time for Western journalists to go there. I knew this trip wasn't going to go very well when we were pinned down in Shatt al-Arab waterway with Iran and Iraq still fighting. It was a pretty horrible week in my life. I never thought I would say it — and I never say publicly — but when they took us back in a Hercules to Tehran, "My goodness, it feels good to be back in Tehran."

However, when you get back to Tehran, they had us journalists walking in. They had on the carpet the picture of the President of the United States. You had to take a running jump; they wanted you to wipe your feet on the face of the President of the United States. I wasn't going to do that, so I had to do a running jump to get over this carpet.

Then, when you get in to check into your hotel, the sign was up above it: "Death to America." I knew this was going to be a pretty tough trip.

But over all these years, I don't think a whole lot has changed. I know there has been outreach and that there are wonderful, good people in Iran who are not allowed to have a voice, and we have seen that in terms of some of the disruptions on the streets of Tehran.

I rise today, honourable senators, to draw your attention to the plight of Navid Khanjani, a brave and resilient human rights activist who requires our immediate attention. Twenty-nine-year-old Navid is in prison for his peaceful human rights activism and affiliations with human rights groups in Iran. However, because Navid so happens to be of Baha'i faith, the Iranian authorities have reacted much more harshly toward him compared to other human rights activists who have been persecuted in Iran. Navid was first arrested in March 2010 in his hometown of Isfahan and taken to Tehran's Evin Prison. I stood outside that prison and shivered to know what was going on inside. In December 2010, an

Iranian court sentenced him to a total of 15 years in prison on ludicrous charges like disturbing the public mind and propaganda against the regime. In other words, Navid was sentenced to 15 years in prison for exercising his fundamental right to freedom of speech and expression. At the time, this was the heaviest prison sentence handed down to a human rights activist in Iran. However, a year later, Iranian authorities slightly reduced his sentence to a 12-year term. Navid was eventually released from Evin Prison on a heavy bail of \$100,000 U.S. But in summer 2012 he was arrested again as he was volunteering as a relief worker for victims of a devastating earthquake that hit the East Azerbaijan Province in Iran. In August 2012, Iranian authorities arrested Navid, along with 40 other earthquake relief volunteers.

• (1540)

For the past six years, Navid has endured long durations in solitary confinement and has been subjected to physical and psychological torture. Navid is currently in the notorious Rajai Shahr Prison where he is held with other political prisoners including Saeed Shirzad, another activist who was arrested in the summer 2012 for providing aid to earthquake victims. Imagine.

Honourable senators, please join me in urging the Iranian authorities to allow the United Nations Special Rapporteur Ahmed Shaheed to visit Iran. By the way, Mr. Shaheed appeared in our Human Rights Committee by teleconference from Geneva last week. Here he is the human rights rapporteur dealing with Iran, but they won't let him go into Iran. What does that say?

As a member of the Canadian Senate, I call for the immediate release of prisoner of conscience, Navid Khajani.

**Hon. David Tkachuk:** I want to speak on behalf of Kurdish political prisoners Zanyar and Loghman Moradi. These two family friends were unlawfully arrested by Iranian authorities in the summer of 2009 and detained for the first year of their detention without charge. They were eventually accused of murdering the son of an Imam, and they were sentenced to death in December 2010 during a sham trial. To date, Iranian authorities have never presented a single piece of evidence other than forced confessions to support the allegations against these two men. Just like other political prisoners in Iran, Zanyar and Loghman have not had access to their lawyer or a chance to defend themselves in court. Human rights groups and United Nations experts have stated on multiple occasions that Zanyar and Loghman were brutally and physically tortured during their interrogation and throughout their imprisonment. Quoting witness statements, Ahmed Shaheed, the UN Special Rapporteur on the Situation on Human Rights in Iran has said that Zanyar and Loghman were compelled to confess to allegations of murder after being severely beaten and threatened with rape.

Sadly, Zanyar was reportedly only 17 years old when Iranian authorities arrested him for murder, which means his death sentence is completely unlawful by international standards as Iran is a signatory to the UN Convention on the Rights of the Child.

Prior to their arrests, Loghman Moradi was a nonviolent political activist who defended the rights of Iran's ethnic Kurdish minority. Zanyar Moradi, on the other hand, was not politically

active. He was busy with his studies at school. However, Zanyar's father is a political dissident who resides in Iraq and is on the Iranian regime's hit list. Human rights experts believe that Zanyar and Loghman were easy scapegoats and are currently being used as ransom by Iranian authorities until Zanyar's father returns to Iran.

Honourable senators, in other words, Zanyar and Loghman are being used by the Iranian authorities as pawns in a twisted political game against Iran's Kurdish minority. Iran's ethnic and religious minorities are reportedly the most vulnerable members of Iranian society and are thus easy targets for the Iranian regime.

For the last seven years, Zanyar and Loghman have been languishing in prison, living with the fear they may be executed. They are currently sitting on death row in Iran's notorious Rajai Shahr Prison, where they are deprived of their basic human rights, including the right to medical care. I urge the Iranian authorities to allow UN Special Rapporteur Ahmed Shaheed to visit Iran and investigate the countless reports of human rights violations against Iranian citizens.

The Iranian regime's lack of cooperation with the United Nations and its continued refusal to allow Dr. Shaheed access to the country demonstrate that the Iranian authorities do not intend to take meaningful steps to improve the human rights situation in Iran.

As a member of the Canadian Senate, I condemn the deplorable human rights abuses in Iran and call on the Iranian authorities to immediately release political prisoners Zanyar and Loghman Moradi.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise to express my horror of the treatment of Omid Kokabee, a University of Texas graduate student in physics, who has been held in Tehran's notorious Evin Prison for the last five years because of his refusal to assist the Iranian authorities with questionable scientific research. As if this weren't unjust and outrageous enough, his lawyer announced that Omid was recently diagnosed with kidney cancer. It is not clear when the tumour began to form, but there are reports from 2014 that Omid was denied medical care after he had complained to the authorities about pain in his kidneys. As Canadians, we cannot tolerate the inhumane cruelty the regime in Iran is inflicting on individuals like Omid Kokabee.

The Iranian scientist, now 34 years old, was arrested by regime authorities in January 2011 at Tehran's Imam Khomeini Airport. He was on his way back to the United States to continue his postdoctoral studies and had been in Iran on a visit to see his family. According to human rights reports, Omid was held in solitary confinement for more than a year and was subjected to interrogations and physical and psychological torture. He was sentenced to 10 years in prison by an Iranian court in May 2012 for having contact with so-called "enemy states."

It is extremely unfortunate that bright and promising Iranians like Omid are recognized globally, but are punished in Iran. Prior to his arrest and during his imprisonment, Omid has received

praise and multiple international awards for his work. For example, in September 2013, the American Physical Society awarded its Andrei Sakharov Prize to Omid Kokabee, citing:

For his courage in refusing to use his physics knowledge to work on projects that he deemed harmful to humanity, in the face of extreme physical and psychological pressure

Honourable senators, Omid's family issued an open letter last month calling for his immediate release. Let us join the Kokabee family and call on the Iranian authorities to show compassion and ensure Omid is released and receives the necessary treatment for his life-threatening condition.

[Translation]

**Hon. Percy Mockler:** Honourable senators, I am very touched by the motion moved by our colleague, Senator Frum.

[English]

I would like to take this opportunity to recognize, on behalf of the people that I represent in New Brunswick, the leadership of Senator Frum into this inquiry. In the last week I have had a number of New Brunswickers of Iranian descent saying it was a step in the right direction.

On May 1, the people of Iran recognize May Day. I want to share this with you. International Workers' Day, although not an officially recognized day in Iran, Iranians gathered to peacefully call for an end to worker repression and government corruption.

Iranian authorities have always approached the day with violent crackdowns, which usually result in the arrests of innocent workers and activists. Honourable senators, the Iranian government does not allow its citizens to exercise their fundamental and universal rights, and as a result does not tolerate labour unions or protests by workers.

• (1550)

The labour rights movement in Iran tackles issues like inflation, unpaid wages of workers, child labour and government corruption, deceit and mismanagement. I am surprised to learn, through human rights reports, that, since the presidency of Hassan Rouhani, there has been an increase in imprisoned workers and overall repression against labour activities and unions in Iran.

[Translation]

Honourable senators, this brutality is unacceptable.

[English]

There are currently dozens of labour activists, in addition to unpaid workers, who are languishing in Iranian prisons. Today I would like to share with you and highlight the cases of some of these political prisoners for the benefit of the Senate of Canada.

Behnam Ebraimzadeh was an employee at a piping company and a popular labour rights activist, whose focus was on defending the rights of workers in Iran also known as street children. Behnam was also involved in some union activities through his membership in the committee to facilitate the creation of free labour organization. For doing that, honourable senators, he has been in and out of prison since May 1, International Workers Day, in 2009. He is currently held in Rajai Shahr Prison, in Karaj, where he is deprived of his basic prisoner rights. Throughout this imprisonment, he has been repeatedly tortured and interrogated and held for long durations of solitary confinement. Inhumane. During one of his arrests in 2010, Iranian authorities reportedly broke Behnam's ribs. This type of brutality is unacceptable.

[Translation]

Honourable senators, another striking example of this type of brutality is the case of Reza Shahabi.

[English]

He is a board member of the syndicate of workers of Tehran and suburban bus company, also known as Vahed Syndicate, a union organization defending the rights of workers. His crime is peaceful and as an organized activist. His first arrest was in 2005, while participating in a bus driver strike. He has been in and out of prison since then, enduring, honourable senators, long, long durations in solitary confinement in addition to reported brutal physical and psychological torture. Reza was released from prison in September of 2014 on a medical leave to undergo surgery on his back, but, according to human rights reports, he is in danger of returning to prison any day now.

Think of Mr. Jafar Azimzadeh. He is a prominent labour activist and President of the Free Union of Workers of Iran, who is locked in Tehran's Evin prison. He is sentenced to six years in prison for his peaceful activism. Like the other political prisoners in Iran, Jafar has also endured time in solitary confinement, been subjected to physical and psychological torture and pressured to confess on camera.

Honourable senators, yes, we must be reminded of Mohammad Jarahi, a labour activist held in Tabriz Central Prison, who is sentenced to five years in prison for his peaceful activism, exercising his fundamental rights to freedom of association.

Honourable senators, I will stop here, but there are dozens more in prison, workers in Iran, who the world has never heard of. Each and every single one of these courageous, resilient individuals, is paying a tremendously high price fighting for human rights in Iran. The political prisoners who I have highlighted today and the other imprisoned workers are charged with assembling and colluding with intent to act against national security.

In Canada, we know very well that, yes, freedom of assembly or association is a fundamental right of all people, including Iranians. Why should Behnam, Reza, Mohammad and Jafar

not be able to peacefully demand equal or fair wages and better working conditions? It is very telling when Iranian authorities are so threatened by peaceful activism.

Please join me and Senator Frum in calling on, in the Senate of Canada, Iranian authorities to end this systematic practice of charging labour activists and workers with assembling and colluding with intent to act against national security.

I also stand today and call on the Iranian authorities to immediately release Behnam. I have just been made aware in the last 30 minutes that Behnam was suddenly transferred out of his cell in Rajai Shahr Prison on Sunday, May 8, and transferred to ward 2 of this prison, where he is reportedly under heavy surveillance. This is unacceptable.

I would like to remind the Government of Iran, in closing, that they could take a few pages from Senator Salma Ataullahjan and a few pages from the books of Senator Jaffer when it comes to human rights and freedom and also make it a better society to live in.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to draw your attention to the plight of human rights activist Arash Sadeghi and his wife Golrokh Iraee. On February 21 of this year, a Tehran appeals court confirmed prison sentences for them. Arash is condemned to a total of 19 years in prison for outlandish charges like gathering and colluding against national security, propaganda against the regime, spreading lies on the Internet, and insulting the founder of the Islamic Republic, Ayatollah Khamenei. Golrokh is sentenced to six years in prison for vague charges like propaganda against the regime and blasphemy. Sources close to the couple say the court justified the rulings by citing nonviolent activities like hosting on Facebook, participating in a peaceful protest gathering, and having contact with human rights activists and groups outside Iran. Arash and Golrokh were sentenced to prison by Abolghassem Salavati, a corrupt individual who has been identified as a key figure in the Iranian government's push to stifle free speech. It is reported that common practices of Judge Salavati, who is known by many Iranians as the Judge of Death or the Hanging Judge, include: holding trials behind closed doors lasting only a few minutes and without essential legal procedures; intimidating defendants; and breaching judicial independence by acting as a prosecutor and depriving prisoners of access to lawyers.

Like every other prisoner spoken about in this chamber —

**The Hon. the Acting Speaker:** Honourable senators, it is now 4 o'clock. We will now adjourn until tomorrow, but this matter will stand adjourned in the name of Senator Patterson for the balance of his time.

(On motion of Senator Patterson, debate adjourned.)

(The Senate adjourned until Thursday, May 12, 2016, at 1:30 p.m.)

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