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(HANSARD)

Thursday, October 27, 2016

The Honourable GEORGE J. FUREY
Speaker

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

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THE SENATE

Thursday, October 27, 2016

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

Prayers.

SENATORS' STATEMENTS

INDIGENOUS ENGINEERING INCLUSION INC.

Hon. Lillian Eva Dyck: Honourable senators, I would like to recognize the work of Indigenous Engineering Inclusion Inc. This is a company that was founded and recently launched by two indigenous women, Deanna Burgart and Pamela Beaudin. Deanna is a member of the Fond du Lac Denesuline First Nation, and Pamela is Metis, with roots in Île-à-la-Crosse — both from Saskatchewan.

What makes their work important is that they have used their technical training as engineers to solve engineering problems through an indigenous lens that respects our sacred relationship with the environment. As they have termed it, they are “indigneers.”

Ms. Burgart said:

We wanted to create a space where we could be our whole selves all the time. We could be indigenous, we could be women, we could be engineers and we could bring that to work and bridge those gaps. Our indigenous perspective of respect for mother earth, culture, balance is part of who we are. We want to help blend that.

This company aims to help industry build relationships with indigenous communities in the lands that fall under proposed development plans. Their consulting firm will try to work with all parties to find solutions that are environmentally respectful and responsible and produce the least amount of waste, with buy-in from both indigenous and industry communities.

Ms. Burgart and Ms. Beaudin hope to change the way things are done with these industry projects in indigenous communities. Ms. Burgart said we must change “... industry’s belief that it just needs to go to communities and give them information when what’s needed is an exchange of information and a willingness to learn from the communities’ understanding of their own territories.”

The new company also hopes to get indigenous youth interested and involved in engineering as a career choice. They hope that having more indigenous youth in the workplace, making it more diverse and bringing along traditional indigenous teachings about the environment, will breed innovation.

Honourable senators, I congratulate Ms. Burgart and Ms. Beaudin on the launch of Indigenous Engineering Inclusion Inc. and their work in building relationships between indigenous communities and companies interested in development on indigenous lands.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Members of the First Nations Major Projects Coalition: Chief Joseph Bevan, Chair, from the Kitselas First Nation; Chief Corrina Leween, Member, from the Cheslatta Carrier Nation; Councillor Angel Ransom, Member, from Nak’azdli Whut’en; Niilo Edwards, Advisor; Del Natrass, Financial and Economic Advisor; and Harold Calla, Executive Chair, First Nations Financial Management Board.

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

Hon. Senators: Hear, hear!

WORLD CITIES DAY

Hon. Judith Seidman: Honourable senators, October 31 marks World Cities Day. Designated by the United Nations, this day aims to promote the international community’s interest in meeting opportunities and addressing challenges of urbanization, and contributing to sustainable urban development around the world.

This year’s theme is “Inclusive Cities, Shared Development,” and I can think of no better occasion to take a few moments and highlight significant achievements of my hometown, Montreal.

Starting as a small mission colony of a mere 50 settlers, Montreal has since become a prominent North American city, a metropolis of over 4 million inhabitants.

Historical events would mould the city into a beacon of modernity with roots of intellectual freedom and ambitious large-scale social and political reform. Montreal quickly became one of the most prominent urban, multicultural, political and artistic cities within Canada.

My hometown continues to distinguish itself by implementing innovative policies aimed at enriching life for its citizens while becoming a forerunner in the world. A recent example is the Community Sustainable Development Plan. Implemented earlier this year, in collaboration with more than 180 organizations from all walks of Montreal society, this plan focuses on reducing greenhouse gas emissions, increasing biodiversity and ensuring access to sustainably healthy neighbourhoods.

These priorities will promote a healthier and more responsible city. It should come, then, as no surprise to hear that earlier this year, Montreal was ranked by *The Economist’s* Safe Cities Index as the second-best city in Canada to live in.

On an international scale, Montreal has managed to position itself as one of the world’s smartest cities. Designed to improve citizens’ experiences, boost tourism and accelerate the city’s

economic development, the Montréal Smart and Digital City Action Plan aims to install technology making city services and systems more efficient, while creating a collaborative ecosystem for business, institutions and citizens alike.

To celebrate this initiative, Montreal was awarded Intelligent Community of the Year this past June by New York's Intelligent Community Forum. This non-profit research organization dedicated to the study of 21st century city development salutes the accomplishments of Montreal in developing inclusive prosperity on a foundation of information and communications technology.

Honourable senators, Montreal continues to evolve as a metropolis on the cutting edge of both the arts and the sciences.

Thank you.

MICHELLE STILWELL

Hon. Richard Neufeld: Honourable senators, I rise today to pay tribute to an outstanding British Columbian, Michelle Stilwell. Since 2013, Michelle Stilwell is a member of the Legislative Assembly of B.C. for the riding of Parksville—Qualicum. She is the Minister of Social Development and Social Innovation in Premier Clark's government. She is also a mother, wife, motivational speaker and community advocate. If that isn't enough, she is now a seven-time Paralympian medallist.

Michelle Stilwell was one of 162 athletes who represented our country this summer as part of the 2016 Rio Paralympics. Ms. Stilwell won two gold medals in the 100-metre and 400-metre wheelchair racing. She currently holds a number of world records, including in the 100-metre and 400-metre distances, in the T52 class.

Her other accomplishments include gold at the Toronto Parapan Am Games in 2015; gold and silver at the Paralympic Games in London in 2012; two more gold medals in Beijing in 2008; and gold in Sydney in 2000. What is most impressive is that her Sydney medal is for wheelchair basketball. She is one of the few athletes who are gold medallists in two different disciplines.

Honourable senators, Michelle's story is one of bravery, strength and resolve.

• (1340)

A few weeks prior to her Grade 12 high school graduation, she was piggybacking on a friend's back and fell to the ground. Her neck injury rendered her a quadriplegic. She was 17 years old.

She would later earn a Bachelor of Science degree from the University of Calgary. She then pursued a career in advocacy work. For example, she served as ambassador for ActNow BC, a cross-government health promotion initiative that sought to improve the health of British Columbians, as well as for the Rick Hansen Foundation. For decades now she has been tirelessly working towards increasing the employment of persons with disabilities.

[Senator Seidman]

Her dedication to serving the public and the greater good eventually led her to seek office in the provincial legislature, and she is now a provincial minister.

Honourable senators, like our colleague Senator Petitclerc, Michelle Stilwell is an inspirational role model for all Canadians, whether they are disabled or not. Her story is one of determination, courage and empowerment.

I hope you will join me in congratulating Michelle and all the other athletes and sports staff who participated in the games this summer. They made us all proud.

Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Roy Button from Lewisporte, Newfoundland and Labrador. He is the guest of the Honourable Senator Housakos.

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

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY—THIRD REPORT OF COMMITTEE PRESENTED

Hon. Richard Neufeld, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, October 27, 2016

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

THIRD REPORT

Your committee was authorized by the Senate on Thursday, March 10, 2016, to examine and report on the effects of transitioning to a low carbon economy, as required to meet the Government of Canada's announced targets for greenhouse gas emission reductions.

The committee budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee

were printed in the *Journals of the Senate* of June 16, 2016. On June 20, 2016, the Senate approved a partial release of \$119,143 to the committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

RICHARD NEUFELD

Chair

(For text of budget, see today's *Journals of the Senate*, Appendix, p. 903.)

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

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

QUESTION PERIOD

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Yonah Martin (Acting Leader of the Opposition): My question is for the Leader of the Government in the Senate, and it concerns CETA, our free trade agreement with the European Union.

Leader, I'm sure we are all breathing a sigh of relief upon hearing this morning that an agreement was reached in Belgium. However, it is not a done deal yet. Free trade between Canada and the European Union would deliver tremendous benefits for our businesses, our workers and their families. For that reason, we must not take the foot off the gas pedal until this deal is ratified and fully implemented.

Could the Leader of the Government in the Senate tell us if the Canada-EU summit has been rescheduled and when CETA will be signed?

Hon. Peter Harder (Government Representative in the Senate): First of all, I want to thank the honourable senator for her question and continued interest in this subject, and in particular for her support for the way that the last 24 hours has evolved. From the tone and the nature of the questions of yesterday, it is obvious that we are on the cusp but not yet there. There are actions to be taken within the European Union that are under way. We certainly all wish that those conclude as now anticipated, and at that point we will have to await the decisions of governments with respect to the timing of the signature of the agreement.

I can only anticipate that both sides are eager to do that, to demonstrate to their respective publics the importance of this agreement, as the honourable senator's question references, and also the signal that it sends to the world that two significant international trade units, the European Union and Canada, can reach an agreement that is the gold standard, that is modern, that is 21st century in its aspiration and that has the support of its people.

Senator Martin: Thank you, leader. I think we are all most definitely relieved, but certainly the change of tone is not a change in how dissatisfied we are with the minister and how she has handled this situation.

However, if, as we all hope, Prime Minister Trudeau and the European leadership are able to sign this agreement in the coming days, CETA will have to be reviewed and ratified by the European Parliament. We know there is opposition to CETA amongst some members of the European Parliament.

What is the government doing to help ensure that our trade agreement with Europe does not meet additional delay through this next stage as we move toward ratification?

Senator Harder: I hope that there is an opportunity, once the agreement has been reached, for all sides to congratulate all of the players, both those that were involved in the early number of years of this negotiation, through its ups and downs, and those who have been involved in the recent conclusion of the agreement.

It would be helpful for this Parliament to signal to the European parliaments, as well as the European Parliament, the views of this Parliament with respect to this agreement. I am certain that the Government of Canada will continue to be vigilant in ensuring that the interests of the Canadian government and the people of Canada in this agreement are actively pursued as we deal with our respective ratification processes.

This is one where I think members of Parliament, given the international relationships that all members of Parliament have, particularly with a number of the European countries, can be a significant aid to advancing Canada's interest as colleagues.

CANADA-INDIA COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT

Hon. Victor Oh: My question for the Leader of the Government in the Senate concerns trade. The mandate letter for the Minister of International Trade mentions expanding trade with large, fast-growing markets, including China and India. While we have seen movement from this government regarding a trade deal with China, we have not seen the same with India.

Last year, Canada welcomed Indian Prime Minister Narendra Modi on the first official visit to our country by an Indian Prime Minister in over 40 years. It appears that any momentum the impact of that visit might have had on the formation of a free trade agreement between our two countries has unfortunately been stalled. The most recent round of negotiations was held in March 2015, under the previous Conservative government.

My question for the government leader is what is the current status of the negotiations towards a Canada-India Comprehensive Economic Partnership Agreement?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his interest in the Asia region and Canada's trade expansion. You reference both China and India, and as the senator is aware, there are a number of new initiatives with respect to advancing the Canada-China economic relationship.

With respect to India, during the period of less than a year that he's been Prime Minister, the Prime Minister has, in a number of fora that he has participated in, had occasion to meet with the Prime Minister of India and advance the interests of Canada, and the government is actively following up and pursuing advancing the trade relationship.

I would have to inquire as to the precise status of the bilateral negotiations. However, I do know they are being actively undertaken.

• (1350)

Senator Oh: In 2014, the value of two-way merchandise trade between Canada and India was about \$6.3 billion. In 2015, this rose to almost \$8.3 billion, an increase of 29 per cent.

Even with this significant growth, there is even more potential for opportunities for our businesses if the Liberal government chooses to make free trade negotiations with India a priority.

Will the federal government commit to seeking another round of negotiations with India later this year or early next year?

Senator Harder: I thank the honourable senator for his question and, as I said earlier, his ongoing interest in these negotiations.

The precise timing of the next phase is really between the negotiators, and I couldn't comment as to when that will take place. I know they are under active advancement, that the priority the government attaches to this agreement, as other international economic trade agreements, is high, and I would anticipate announcements in the coming number of months.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

DIVERSITY AND GENDER REPRESENTATION ON CANADIAN BOARDS OF DIRECTORS

Hon. Ratna Omidvar: Senator Harder, I read today with interest that the Government of Canada may impose gender quotas on corporate boards if the number of female directors does not improve. I, of course, welcome this proactive focus, and I believe that all of Canada's institutions, including this one, should at some point become gender-equal. We are a little closer to that today, I think.

I want the government to recognize that diversity is about more than women. It includes people with disabilities, the LGBTQ community, visible minorities and Canada's Aboriginal peoples.

In its 2015 report, the Canadian Board Diversity Council found the representation of women was moving forward. It stands today at 19.5 per cent of the FP 500 companies.

This is, of course, nowhere near the population share, and we must do everything we can to move it. However, and in comparison, the rate and pace of improvement for other groups is glacial: 7.5 per cent for visible minorities, 1.3 per cent for Aboriginals, 1.3 per cent for people with disabilities.

Will the Government of Canada recognize their place, too, on corporate boards and public institutions and take similar action?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and her ongoing interest in the issue of diversity and fairness in all institutions.

The comments made by the responsible minister reflect the government's priority to this issue in hoping that the private sector will respond because it is in their interest to have boards that are reflective of both their clients, their investors and the broader Canadian society. I will leave it to the judgment of the minister as to whether or not and what the timing of that action might be.

It is the work of institutions such as the Parliament of Canada, the Senate of Canada on these issues over the years that has encouraged both public reporting of diversity representation on boards and private sector companies to act. I would reference, for all senators, the work done on Senate public bills with respect to this issue over the last number of years.

Hon. Mobina S. B. Jaffer: I applaud Minister Bains for talking about increasing the representation of women on corporate boards. However, leader, I would like to know what the state of the federal public service is. How many Aboriginal people, people of colour and women are employed in the federal public service and also, more importantly, how many deputy ministers are there from these three communities?

Senator Harder: I thank the honourable senator for her question. This is an issue that I have had personal interest in as a former Secretary of the Treasury Board where we began for the first time reporting this data on an annual basis. As you know, this is self-reporting, so it has the limits of self-reporting, but nonetheless are important indices of diversity. While I don't have those figures at my fingertips, I do know they're publicly available and would be happy to pursue that in response to the honourable senator's question.

Senator Jaffer: Thank you very much. I do know how hard you worked on these issues, but minister, this is 2016. I understand that to date there's not one deputy minister from the people of colour community. For many, many years, the Human Rights Committee has been studying this issue, and we have been continuously asking the federal public service what is happening within the federal public service to promote people within the federal public service.

More than 50 per cent of the federal public service employees are women, but they're doing lower-level jobs. They're not in the high-level positions. It would be important to know that, yes, there are women, but on what level.

Senator Harder: I, of course, will do that. I do want to acknowledge the significant increase over time, though not yet at the level it should be, I acknowledge. However, the biggest change in the federal public service has been representation of women at senior levels of the public service. It is an institution that is, frankly, ahead of the private sector in this regard as a result of deliberate strategies to accomplish this.

I will be happy to receive that information. I would also encourage senators — as I know they have in the past, because I have been the recipient of those questions — on standing committees with witnesses from the Clerk of the Privy Council or in review of estimates of various departments, that this question be asked of those who are actually on the front line delivering these programs and report on their results because I think that would encourage them.

[Translation]

NATURAL RESOURCES

SOFTWOOD LUMBER NEGOTIATIONS

Hon. Percy Mockler: Honourable senators, I would like to raise the issue of the softwood lumber agreement again. I know that Senator Harder has followed up on this matter. However, people in the forestry industry are very concerned. The softwood lumber agreement with the United States is causing concern and uncertainty in the industry.

Before I move on to my question, I would be remiss if I did not acknowledge the leadership of Senator Maltais in launching his inquiry on this matter.

Honourable senators, my question is for the Leader of the Government in the Senate regarding the failure of the current government in negotiating a new softwood lumber agreement with the United States. It is incredible. The U.S. Lumber Coalition recently said in a press release, and I quote:

[English]

With the expiration of the standstill and no agreement attained, the Coalition has no choice but to move to initiate trade cases against unfairly traded imports from Canada at the most effective time.

[Translation]

Can the Leader of the Government in the Senate tell us whether the government tried to get assurances from the U.S. government that any trade action proposed by the Lumber Coalition will be suspended while negotiations are in progress?

[English]

Hon. Peter Harder (Government Representative in the Senate): I want to thank the honourable senator for his ongoing interest and questioning on this important matter. As I have said repeatedly in

this chamber, the issue of softwood lumber is of high importance to the Government of Canada. Predictable and stable access to the U.S. market is very important for our industry.

It is in pursuit of that that the government is actively engaged in those negotiations. Both sides have at the highest political level stated their commitment to achieving a negotiated outcome. That is difficult, as the honourable senator knows from personal experience and from watching this in the circumstances of the day, but the government is active. The minister continues to be personally engaged with her counterparts.

There are elections going on in the United States. I dare say that there are even politicians there who are exploiting this issue in respect of the interests of their local lumber interests.

• (1400)

It is a challenging environment in which these negotiations are taking place, but our government is determined to work with the United States government to achieve a negotiated settlement and to protect and advance the interests of Canadian producers so that stable and assured access to the U.S. market remains available to our producers.

Senator Mockler: Honourable senators, I have a supplementary question. The leader has just needled me to ask one.

Prime Minister Trudeau has made much of his relationship with President Obama. However special it may be, it has not led to a resolution of this matter, far from it. I want to share this with you: It was the Conservative government of Stephen Harper that negotiated the previous agreement in April 2006, three months after forming the government.

Some Hon. Senators: Hear, hear!

Senator Mockler: The previous Conservative government also negotiated an extension of the agreement in 2012. In contrast, softwood lumber was not included in Minister Freeland's mandate letter, and softwood lumber was not mentioned in the Speech from the Throne.

The Liberals promised a deal within 100 days after the Prime Minister's trip to Washington in February of this year. Those 100 days have passed. Will the Liberal government self-impose another deadline to actually get the job done? Can the Leader of the Government in the Senate ensure that the exemption for Atlantic Canada will be maintained?

Senator Harder: I thank the honourable senator for his question. I now regret needling him, so I apologize.

It's very clear that this issue, by the very question, has been one that is cyclical in the Canadian experience over a large number of years and many governments. It has its ups and downs in the context of the well-being of the sector, the level of exports and the political climate on both sides of the border.

The Government of Canada continues, as I said earlier, to raise this issue at the highest level, including in recent visits, and the minister with respect to her counterparts is continuing to do that.

The objectives remain the same, and we will have to let these negotiations pursue their course. It does take two to tango.

In the meantime, the Government of Canada is pursuing all of its available options to protect and advance the interests of Canadians, both Atlantic and otherwise.

Hon. Nancy Greene Raine: As a supplementary question to the Leader of the Government, I want to make sure that he is aware that things have changed since the last time a softwood lumber agreement was negotiated, in that in British Columbia, many of the major producing mills have become international in scope and are now operating in the U.S. as well as in Canada, so they may not be pressuring the government to solve this issue.

However, we have many small- and medium-sized companies in the forest industry in British Columbia that are in critical shape. Should this softwood lumber agreement not be renewed, many thousands of jobs will be lost. It will be devastating for many communities, especially in the interior of British Columbia.

Can the leader assure me that the Minister of International Trade understands that they must listen to the voices of small- and medium-sized lumber producers in British Columbia?

Some Hon. Senators: Hear, hear.

Senator Harder: I can indeed assure the honourable senator that the minister is well aware of and dedicated to pursuing the interests of small- and medium-sized companies and all producers of softwood lumber in Canada. As I said earlier, security and stable access and predictability are key.

The honourable senator asked a question with respect to my own experience. I had the pleasure of being on the board of the largest private sector land holding of forests in British Columbia, on Vancouver Island, and have some acquaintance with how the markets have changed in this regard. They do change the nature of the dynamics of the negotiations because, as was referenced, the producers have changed places in some respects with where their business interests lie.

[Translation]

FOREIGN AFFAIRS

DETENTION OF CANADIAN NATIONALS— HUMAN RIGHTS IN VIETNAM

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Leader of the Government in the Senate. Human rights advocacy groups say that there are over 100 known political prisoners in Vietnam. Two of them, Mr. Nguyen Van Dai and Ms. Nguyen Quynh, were jailed for promoting democracy and universal human rights in Vietnam.

Nguyen Van Dai is a well-known lawyer. He was arrested in December 2015 for holding a workshop on the promotion of human rights in Vietnam. Nguyen Quynh is an internationally

known blogger who advocates for civil rights in the face of environmental disaster. She was arrested in early October. Both activists were charged under article 88 of the Vietnamese criminal code for spreading propaganda against the state just because they publicly and peacefully expressed opposition to the government's policies.

On Monday, in response to these events, more than 73 parliamentarians from 14 different countries, including Cambodia, Chad, the United States, Indonesia, Lithuania, the Netherlands, Nepal, and Portugal, signed an open letter to the Prime Minister of Vietnam calling for the immediate and unconditional release of Nguyen Van Dai and Nguyen Quynh.

What measures will the Canadian government take in response to these grave human rights violations in Vietnam?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing interest in human rights, in particular human rights in Asia.

There are, as he refers to, serious situations in a number of countries. The raising of issues in Vietnam is one that the government is well aware of, seized with and does raise at the appropriate level in bilateral relations and indeed in multilateral fora such as with the Human Rights Commission.

I will take the particular case that you reference and bring it to the attention of the minister and appropriate officials. As the question itself refers to the important work being done by parliamentarians in regard to human rights issues in their own advocacy of human rights promotion through bilateral and multilateral fora, in which parliamentarians participate, this too is important.

[Translation]

Senator Ngo: I have a supplementary question. Following his trip to Cambodia and Vietnam last September, Minister Stéphane Dion stated that Canada had made a long-term commitment in South East Asia. Since then, groups or individuals working to promote democracy in Vietnam have been labelled as terrorists by the Communist Party of Vietnam.

What is the Government of Canada's reaction to this change in the human rights situation in Vietnam since Minister Dion's visit?

[English]

Senator Harder: Again, I will have to inquire on the specifics of the question that the honourable senator raises, but I want to take the occasion to repeat the ongoing interests of the Government of Canada in the advancement of human rights internationally and in the context of bilateral engagement. Simply ensuring that we have an active engagement with the region on a wide variety of aspects of the relationship does not diminish our ability to raise human rights issues. Human rights issues are part of our engagement, but they also need to be put in the context of ongoing, active and sustained efforts of engagement.

[Senator Harder]

• (1410)

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CITIZENS INVOLVED IN FOREIGN TERRORIST ACTIVITIES

Hon. Daniel Lang: Colleagues, I would like to move on to a different subject, if I could, and that's the question of the situation in the Middle East and the fact that the situation in Syria and Iraq is coming to some degree to a conclusion in respect to the ongoing bombings taking place and the fact that Mosul is coming under attack by the government troops in conjunction with their allies.

The concern I want to raise, which is a concern not only here but also in Europe, Australia and other countries, that there is more and more reason to believe that individuals — Canadians — who have been radicalized, have gone from this country and been involved in terrorist activity will be returning to Canada.

Today there was a report that was released in the *National Post* about the flood of foreign fighters who will evolve around the world and come back to the countries of their origin, and that includes Canada.

The authorities have identified well over 200 Canadians who have been involved in one manner or another with terrorism activities outside this country.

My question is this, and I think most Canadians would question this: What are the authorities going to do with these individuals who are coming back to Canada and who are going to cause our public security to be at risk? My question, Senator Harder, to you and government, is what are we going to do in respect to these individuals in view of the fact that it is against the law to be involved in terrorism activities.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and I would like to respond by saying that the appropriate authorities in Canada are very cognizant, as you would expect, of this situation and are actively preparing for and engaging their organizations in dealing with the potential challenges that you raise.

I do think it would be imprudent to speak extensively on how that might take place, but I would like to assure the honourable senator and, through the Senate, all Canadians, that the appropriate authorities are well seized of this issue so that the security and well-being of Canadians continues to be supported and vigilantly attended to even in these evolving circumstances.

Senator Lang: Colleagues, I think that most Canadians would expect that these Canadians, who have turned their back on our country and have now decided to come back to this country after being actively involved in acts of terrorism, should be seriously considered to be charged. I would like the senator's comment on that, but I would also like to ask this question: Do the authorities have enough resources for the purpose of the surveillance that will be required on these individuals in view of the fact that in most cases they will probably have to have surveillance 24 hours a day, seven days a week? Do we have resources to do that?

Senator Harder: With respect to the resources, the honourable senator will know there has been an augmentation of resources to the respective organizations involved in this matter. I am certain that those organizations are, as they continually will be, reviewing their resource levels determining whether and how those resources are being effectively used and whether more resources are required. There is an ongoing review of that in the context of budget preparation, and I would expect that's under way at this time.

I would also like to emphasize that the Government of Canada remains vigilant to ensuring that appropriate prosecution takes place and does so in the best interests of Canada at the time and circumstance that best protects our interests.

ORDERS OF THE DAY

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gagné, for the second reading of Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act.

Hon. André Pratte: Thank you, Your Honour.

I rise today to express my support for Bill C-6. I support this bill because it will enable Canada to do a better job of fighting terrorism. Yes, it will help us do a better job of fighting terrorism.

I also support Bill C-6 because it restores certain practices that were part of Canada's long-standing tradition of welcoming immigrants, a tradition that has made Canada the country it is today, an open-arms policy that ensures Canada's future success.

Two years ago, Bill C-24 made it possible for Canadian citizens holding dual citizenship and found guilty of terrorism, treason or espionage to have Canadian citizenship revoked. The government that passed the act considered that to be a fair punishment befitting the severity of the crime. The government also saw it as a way to keep Canadians safe and combat the jihadist threat. In my opinion, those arguments do not hold water.

Ultimately, revoking terrorists' citizenship means sending them back to another country. Once they leave Canada, unless they leave to a closely allied country, we will have no way of efficiently tracking them. Will they join a terrorist cell? Will they plot against Canadian interests abroad? Will they attack one of our embassies or consulates? Will they attack Canadian workers or tourists? The fact is they will have one more reason to despise Canada, and we will have fewer ways than ever to protect ourselves from them.

We will also be forsaking our responsibility to the international community with respect to fighting terrorism because we will be setting terrorists free instead of keeping a close watch on them. Fighting terrorism is about more than protecting ourselves because terrorism is a global threat. Fighting terrorism is a collective responsibility, and each state must play its part. By sending terrorists abroad, we are shirking our share of that responsibility.

Those who would frame the Bill C-6 debate as a conversation about keeping Canadians safe do not have a sound argument.

Another hotly debated aspect of this issue is the equal status of citizens. Why should Canadian citizens who carry another nationality be penalized much more severely by losing their Canadian citizenship than those who have only Canadian nationality? Some argue that if they commit an act of terrorism, treason or espionage, they are violating the terms of the contract with their adoptive country. Perhaps, but what of Canadians born here? Is their crime any less serious? No. So why should they be punished less severely? Simply because under international law they cannot be stripped of their citizenship and rendered stateless.

Therefore, the only reason that dual citizens found guilty of such crimes can be stripped of their Canadian citizenship is that international law allows it, whereas doing so to other Canadians is forbidden. Just because international law allows some people to be stripped of their citizenship but not others does not make it fair or Canadian to do so.

[Translation]

Bill C-24 added the requirement that prospective Canadian citizens declare their intent to continue living in Canada once granted citizenship. This requirement has no known practical outcome. Could a new citizen having moved abroad for a job be stripped of their citizenship for having made a fraudulent declaration? The previous government's responses on this subject were very confusing. It is not surprising that this new requirement also caused a great deal of confusion among prospective citizens, who had the impression that they were losing their right to free movement, which is a right guaranteed by the Canadian Charter of Rights and Freedoms. They felt they were being treated like second-class citizens.

• (1420)

[English]

It has been said that the intent to reside was a symbolic declaration. Well, wait a minute. Here you are, a permanent resident, filling in an application to become a Canadian citizen. Your prospective country is asking you to declare officially whether or not you intend to reside in your new country after being granted citizenship. The application form does not say this is a purely symbolic declaration. This is an official form. Surely honest persons will think twice before answering yes because they know that life circumstances could very well change and have them move from Canada to study or to work for a lengthy period of time.

If they did, would they be accused of having made a fraudulent declaration? Would they be able to say in their defence that it was purely symbolic?

[Senator Pratte]

[Translation]

We have heard that the goal is to prevent people from obtaining citizenship only to turn around and leave the country, in other words, to deter potential citizens of convenience. Apparently, some people who have no desire to stay in the country are becoming citizens. I would like to know who does that. How many of these false citizens are there?

According to the latest government statistics, 132 people had their citizenship revoked in 2015 on all grounds. Is it wise to deprive thousands of new Canadians of their freedom of movement, or at the very least cause them to worry, just because a few dozen people allegedly cheated the system in order to become citizens of convenience?

In my opinion, there are other ways to prevent fraud than depriving new citizens of their fundamental rights. The Canadian government has used those methods in the past and is still using them. In fact, Bill C-24 included various measures in that regard and Bill C-6 deals with them.

Take for example the citizenship consultant regulations, the redefined residency criteria and the increased sentences for fraud.

[English]

Some claim that Canadian citizenship is a privilege. It is not for me. I was born here. It's a right. It can't be taken away from me, and I fully enjoy all the rights that come with it.

According to that view, citizenship would only be a privilege for those who hold dual citizenship or who acquire Canadian citizenship. Therefore, there clearly would be two classes of Canadians; people born outside of Canada who acquire citizenship later in life would be second-class Canadians. For them, citizenship would not be a right but a favour since they would not enjoy the same mobility rights as others. I am appalled that anyone would suggest such a thing, even symbolically.

Bill C-6 restores the former residency requirement for further residents seeking to become citizens. It would be shortened from four of the previous six years to three of the previous five years. Why go back to the way it was? There was no reason to fix what was not broken. Does anyone think that the three-year requirement prevented Canada from welcoming millions of immigrants who became model Canadian citizens and contributed tremendously to making our country what it is today?

We scoured the debates of the previous Parliament. The government offered no sound argument or study to justify increasing the residency requirement from three to four years. It was totally arbitrary. Restoring the three-year requirement is justified on the basis of Canada's long history of successful immigration.

[Translation]

Finally, I would like to talk about the requirement to have a basic knowledge of Canada and official languages. Bill C-24 imposed these requirements on people aged 14 to 64. The new bill, Bill C-6, changes that age range back to 18 to 54. I support that decision regarding young people. Most young people go to

school, where they have the opportunity to learn more about Canada and they are taught French and English. Subjecting them to additional citizenship tests therefore seems unnecessary to me.

My reservations have to do with the 55 to 64 age group. These individuals are hardly what you would call seniors; rather, they are in the prime of their lives. However, we need to take into account how hard it is to learn a language as an adult. Anyone in this chamber who has tried to learn English or French at the age of 50 knows how difficult it is.

Can any of us imagine arriving in a new country at 57 or 58, penniless, with a family to feed, and having to work tirelessly to earn a living, all without speaking a word of English or French?

Obviously, we need to do everything we can to help these individuals get by in one of our official languages. Are we really helping them by placing obstacles on their path to citizenship?

[English]

Besides, the number of persons concerned is small, only 8 per cent of citizenship applications are made by persons aged 55 to 60 years old. Does Canada gain anything from depriving those people of age of Canadian citizenship? How does that help integrate them into Canadian society?

Some Conservative senators have objected to repealing a law just passed on the grounds that it would result in needless expense. In response, Liberal senators cite the election victory. This is not about pitting one party against the other. The question is which policy is better? Which policy makes it easier to integrate immigrants? Which policy enables Canada to fight terrorism most effectively, not only here at home, but around the world?

Some amendments Bill C-24 made to the Citizenship Act were unjustified. Bill C-6 corrects those ill-founded amendments, and that is why we must pass it. That being said, there is a major flaw in this bill, a flaw that the Minister of Immigration, Refugees and Citizenship acknowledged but was unable to correct in the other place.

Currently individuals whose citizenship is revoked have no recourse other than writing to the official who made the decision to state their case. Such individuals have no right to be heard or to see all the evidence against them. That makes no sense, particularly when something as serious as loss of citizenship is at stake. I'm not a lawyer, but I'm willing to bet that is against the Canadian Charter of Rights and Freedoms, so the flaw must be corrected. Not having the right to a hearing is all the more egregious in light of the fact that permanent residents who lose status have a right to appeal. I hope the chamber finds a solution to this problem.

Apart from that reservation, honourable senators, I believe Bill C-6 is in keeping with the tradition of welcoming new immigrants upheld by both major political parties represented here and by all honourable senators in this chamber. This tradition has made Canada one of the most generous and prosperous adoptive homelands on the planet. That's why I support Bill C-6 and invite you to do so as well.

Some Hon. Senators: Hear, hear!

Hon. Linda Frum (Acting Deputy Leader of the Opposition): Will the senator accept a question?

Senator Pratte: Of course.

Senator Frum: On the matter of citizenship of convenience, you asked how many people this might apply to. The answer was perhaps a few dozen. Do you recall in 2006, during the Lebanon war, how many Canadians requested rescue from the Canadian government? The answer, if you don't recall, is 15,000 at a cost of \$100 million. In light of that, do you really think this is a trivial problem?

Some Hon. Senators: Hear, hear!

Senator Pratte: That was one case, right? That was one case.

Senator Frum: Fifteen thousand cases.

Senator Pratte: I know but that was one case. Many things have changed since then.

Senator Runciman: The law changed.

Senator Pratte: These were Canadians who lived in Canada for an unspecified time period. We don't know how long they had been living in Lebanon or how long they lived in Canada. They might have lived in Canada for years and years and then been in Lebanon for one or two years. We don't know anything about those people. We don't know whether they are citizens of convenience or not. We know they were living in Lebanon at that time. They might have been living in Canada for 10 years before that.

Many measures have been taken since then to prevent that kind of problem. Many measures included in Bill C-24 were good measures that have been kept by Bill C-6. Those measures I approve of, and they have been kept by Bill C-6.

• (1430)

I don't disapprove of everything that was in Bill C-24, but some things I disapprove of, and some are ill-founded and are corrected by Bill C-6.

Hon. Donald Neil Plett: Senator, I have question.

Senator Pratte: Of course.

Senator Plett: First of all, Senator Pratte, let me tell you I entirely agree with you when you say there is a major flaw in this bill. We certainly are on the same page. I would suggest there are a few major flaws in this bill.

The revoking of citizenship and dual citizenship is because of terrorism. It is not because of a light crime of some kind. It is because of terrorism toward our country.

You, and even the minister, suggested that it is better for us to have those people in Canadian jails rather than to set them free, but who is suggesting we set them free? We're talking about

taking away dual citizenship. Why can't we take away dual citizenship if they have committed an act of terror against our country? We can still keep them in jail.

Why put one against the other, suggesting that if we take away their citizenship, we're required to send them back to their country? We're not required to send them back to their country if they have committed a crime against our country. We can take away their citizenship and keep them in jail. Is that not correct?

The Hon. the Speaker: Excuse me, Senator Pratte. Your time has expired. Are you asking for an additional five minutes?

Senator Pratte: I would like to answer that one. Yes, please.

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Pratte: Honourable senator, then I don't understand the purpose. Yes, of course the idea is to have them in jail, as I understand it, and once their jail sentence is over, to send them away. That's why you would take away their citizenship, isn't it?

Senator Plett: Right.

Senator Pratte: Right. My point is that once you send them away, you have less control over them than if you keep them in Canada. If you take an Iranian citizen —

Senator Tkachuk: Come on.

Senator Pratte: Okay. Let's say you have someone who is both a Canadian and an Iranian. You keep them in jail for 10 years. When their sentence is over, you send them back to Iran. You have more control in Iran than you have in Canada? You will know what that person is doing in Iran more than if he or she stays in Canada?

Senator Runciman: He's out of the country.

Senator Pratte: He's out of the country. That's how you take your share of responsibility for international terrorism? He's out of the country; get rid of him. That's how you take your share of international responsibility? That's not the way I see it.

Senator Plett: You are asking me a question now.

The Hon. the Speaker: Excuse me, Senator Plett. Senator Pratte asked for time to respond to that question.

Senator Pratte, are you asking for further time to respond to more questions?

Senator Pratte: I'm ready. The house decides.

Senator Martin: You need to ask.

Senator Plett: He said he's ready.

The Hon. the Speaker: Senator Pratte, did you say "no?"

Senator Pratte: Yes.

The Hon. the Speaker: Is it agreed, honourable senators, five more minutes?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

Senator MacDonald: Free speech!

The Hon. the Speaker: No? We need unanimous consent.

An Hon. Senator: Raise the question.

Senator Plett: You set a precedent!

The Hon. the Speaker: Senator Ringuette is rising to adjourn the debate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Ringuette, debate adjourned.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Douglas Black moved second reading of Bill C-13, An Act to amend the Food and Drugs Act, the Hazardous Products Act, the Radiation Emitting Devices Act, the Canadian Environmental Protection Act, 1999, the Pest Control Products Act and the Canada Consumer Product Safety Act and to make related amendments to another Act.

He said: Honourable senators, I'm pleased to have this opportunity today to speak about Bill C-13. Let me give you an executive summary. I have a presentation in front of me, but as you can tell, that was the short title I read. I think it would be useful if I just gave it an executive summary so that people understand what it is we're addressing here.

Under the World Trade Organization, of which Canada is a signatory, they have negotiated over the last 10 years something called the Trade Facilitation Agreement. That agreement is what allows the World Trade Organization to do the job that they set out to do.

Canada wishes to ratify the Trade Facilitation Agreement. There are 164 members of the WTO. We require 110 countries to signify that they ratify it. We are currently at 94, so we're almost there.

Canada has not ratified this agreement as yet, but you need to know that all of our major allies, including the U.K., the U.S., China and Japan, have ratified this agreement. Canada is taking the position that it is time that we did so as well.

While the speech will go into frankly numbing detail about some of these amendments, I just want to give you the two headlines so you can focus on what we will be asked to do here over the next number of days.

Canada is, principally, 90 per cent in alignment with the Trade Facilitation Agreement, as you would expect from a major industrialized country. There are two areas where Canada is not in alignment, and that's what this piece of legislation deals with.

Number one, the Canada Border Services Agency, on behalf of Health Canada, will be allowed to dispose of rejected goods that do not meet certain health and technical requirements, in lieu of allowing importers to return the goods to the exporter. Something comes to Canada, should not be in Canada, and rather than saying, "Importer, you return it," and losing control of what happens there, Canada Border Services Agency will have the authority to destroy those goods.

Second, Health Canada and Environment and Climate Change Canada will exempt certain goods in transit for the requirement to comply with Canadian technical regulations, provided that certain conditions are met where necessary. The bottom line: We must allow goods in transit from, for example, Halifax to Vancouver and onward to China, subject to our health, safety and environmental regulations. That's what this is all about.

You also need to know, by way of introduction, that this legislation, with one minor amendment dealing with electronic labelling that I could bore you to death about but I won't, passed unanimously in the house, and it is here now for our consideration and then on to committee.

Senators, that's what we're talking about here, two very technical minor amendments to allow the Trade Facilitation Agreement to be ratified by Canada.

We all know, particularly with the excellent questions from the deputy leader today, that we're on the cusp, one hopes, of having CETA approved. Canada is built on trade. Anything that facilitates trade has been and will continue to be good for the Canadian economy.

As we know — and certainly as I know as both a senator and a lawyer — the importance of open and predictable trade is a transformative economic force. A balanced and open rules-based system for international trade creates new export opportunities and drives productivity by lowering costs.

We need to know that the OECD and the World Trade Organization have estimated that when all the countries ratify this agreement, trade will increase by \$1 trillion a year and the expense of doing trade, for major countries such as Canada, will drop by 14 per cent.

Closer to home, trade benefits Canadian producers, manufacturers, exporters, investors and consumers. Trade facilitation is a simplification, harmonization and standardization of the customs controls governing the movement of goods across national borders.

It will be a particular benefit, I have been advised — and I accept this advice — to small and medium-sized businesses in Canada. While we're streamlining our import and our facilitation around trade arrangements in Canada, let's not lose sight that so are 110 other countries around the world. That's going to provide a tremendous opportunity for, principally, small and medium-sized businesses in Canada to benefit.

• (1440)

As I have indicated, the WTO estimates the Trade Facilitation Agreement will reduce trade costs, averaging over 14 per cent globally, including reductions of over 17 per cent for the least-developed countries. The high cost of complying with complex customs procedures affects small and medium-sized enterprises — SMEs — more than larger firms, as they don't have the necessary resources to deal with those challenges — for example, by hiring customs brokers.

Similarly, complex and unpredictable customs procedures hinder trade between developing countries. Simplifying customs procedures will lower trade costs and enhance timeliness and predictability in the delivery of intermediate goods. This will help drive the growing participation of SMEs and traders in developing countries in world trade and global value chains.

The TFA is also expected to help reduce corruption. Let me explain.

Opportunities to engage in fraudulent practices at international borders increase with wait times and non-automated procedures. Those who have done any business in countries outside the OECD undoubtedly have experience around this very type of activity, where goods get held in ports for extended periods of time until certain concessions are made.

By simplifying trade procedures, automating customs processes and reducing the time taken for goods to clear customs, the TFA, it is hoped, will decrease the instance of trade-related corruption.

Furthermore, more effective customs procedures will allow developing countries to ensure the proper collection of customs duties, which for some is an important source of governmental revenues and a key element of what the Sustainable Development Goals call Domestic Resource Mobilization.

Now I would like to talk quickly about the organization that made the TFA happen: the World Trade Organization. I am going to simplify here, though. The World Trade Organization is the multilateral organization based in Geneva whose role is to build and facilitate mechanisms to achieve global trade. I think honourable senators know that generally, and I will not take the time of this chamber to explain that to folks.

I have also indicated that 110 members need to ratify. We are at 94, and the Government of Canada has committed to have this ratified, if possible, by the end of 2016.

That is why we want to move this forward now. I'm available for questions. I hope the summary that I provided early on simplified the task that is being done here.

I can assure you that all of the organizations in Canada — the seed organizations, executives, wheat boards, all organizations who are involved in trade in Canada — are supportive of this legislation.

I would also assure you that I have been assured that there is nothing in this legislation that adversely affects the health, safety or environment of Canada; all legislation and regulations in that regard remain intact. Canada is committed to making the world more prosperous and helping the poorest and most vulnerable reap the poverty-reduction benefits of international trade.

Canada can do its part by ratifying the TFA as quickly as possible. I would urge all senators to support the legislative amendments that have been put before you today, contained in Bill C-13, which will enable Canada to ratify the TFA and join the other countries that have done so to date.

Hon. Joseph A. Day (Leader of the Senate Liberals): Just an interesting point, if the honourable senator would take a question.

Senator Black: Of course.

Senator Day: I was listening to all the different acts that are being amended by this, and I noticed that the short title, after naming six or seven different acts, reads “and to make related amendments to another Act.”

If you told us there are six or seven acts, why would you not have told us what the other act was?

Senator Black: Thank you very much for the question, senator. I wanted to be respectful of your time —

Senator Tkachuk: It’s okay, Senator Black; you don’t have to.

Senator Black: — but I certainly can provide that information —

Senator Tkachuk: That’s good.

Senator Plett: We’re good with that. Thank you for that answer.

Senator Black: Are you sure?

Perhaps I could provide this answer to you and provide it to the chamber.

Senator Day: I would be pleased with that.

Hon. Yonah Martin (Acting Leader of the Opposition): Senator Day’s question encourages me to ask this question: Any time we have many acts listed and we make an amendment to one, we wonder how it will impact the other acts and how all of that is well coordinated. Can you give us assurance that it has been thoroughly and carefully cross-referenced, checked and double-checked that there will not be unintended consequences and gaps because of amendments made in this act, which then affect other acts?

Senator Black: Thank you, honourable senator, for that question. I will give you that assurance. I have asked that question myself, because I don’t like the concept of omnibus bills; I never have. When I have been briefed by officials, I have indicated that I want their assurance that the bill they are endeavouring to address addresses the bill but nothing else.

I can only assure you, senator, that I have asked for that assurance and I have been provided it. I have read the legislation — I read it as a lawyer, not as a senator — and to me it looks like they have focused surgically on what needed to be done. That is what I have asked and that is what I have been told.

Hon. Lillian Eva Dyck: Would you accept another question?

Senator Black: Of course.

Senator Dyck: I noticed in your speech that you mentioned the Canada Border Services Agency, and I started to wonder what types of products would be destroyed or disposed of in Canada as opposed to being shipped back to the country of origin — for example, if it was illegal drugs or foods.

Senator Black: Not only have you asked an excellent question, but you have provided the answer. It principally relates to pharmaceuticals, illegal drugs and pesticides, as I have been advised.

Hon. Wilfred P. Moore: Will you take a question, senator?

Senator Black: Of course.

Senator Moore: The Food and Drugs Act is part of this bill. I can’t remember from earlier this week; does that include the matter of naming the quantities of salt and sugar in our products? Is that in this bill?

Senator Black: Not to the best of my understanding, senator, but I will check that.

(On motion of Senator Frum, for Senator Andreychuk, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Pierrette Ringuette: Unless I’m mistaken, we have an issue that has been happening too many times today. The issue is to recognize a senator and for the senator to be able to raise questions, adjourn motions and debates and so forth when he or she is not sitting in their Senate seat. I think this issue needs to be, if not clarified, at least some direction should be provided by you, Your Honour, with regard to its appropriateness in accordance with our proceedings.

The Hon. the Speaker: Thank you, Senator Ringuette. In the present case, this is a government bill. Senator Frum asked for adjournment of the debate in Senator Andreychuk’s name; however, it will not be adjourned in anyone’s name because it is a government bill. I take your point with respect to other matters, and it will be discussed at a later date. Thank you.

Hon. Linda Frum (Acting Deputy Leader of the Opposition): You received a letter today stating that I am the Acting Deputy Leader for the Opposition. That letter was sent to you earlier this morning. So in her role, I am sitting in place of the opposition deputy leader.

• (1450)

The Hon. the Speaker: I understand that, Senator Frum. Ordinarily, if it wasn't a government bill, it would be adjourned in somebody's name. But this is a government bill and it won't be adjourned in anybody's name.

Senator Frum: Thank you.

THE SENATE

MOTION TO AFFECT QUESTION PERIOD OF NOVEMBER 1, 2016, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 26, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, November 1, 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.

She said: I just want to let you know that for the next Question Period we will receive the Minister of Fisheries and Oceans, the Honourable Dominic LeBlanc.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate) pursuant to notice of October 26, 2016, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 1, 2016, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CANADA PROMPT PAYMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Martin, for the second reading of Bill S-224, An Act respecting payments made under construction contracts.

Hon. Wilfred P. Moore: Honourable senators, yesterday I took the adjournment of this bill. I endorsed the principal of the bill, and I haven't had a chance to put my remarks together, but I will be making a speech next week on this. I adjourn for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Moore, debate adjourned)

[Translation]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Enverga, for the second reading of Bill S-221, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

Hon. Joan Fraser: Honourable senators, those of you who were here yesterday know that I began my speech on this bill, but I was interrupted. I had to stop at 4 p.m., as is the convention on Wednesdays.

Bill S-221 is one half of a whole. The other half is Motion No. 73, also moved by Senator Patterson. I want to thank him again for his patience in waiting six months to hear me speak to these two initiatives.

[English]

There are, as I said yesterday, constitutional amendments that taken together would eliminate the real property qualification for senators. It is important and it cannot be overstressed that these bills have nothing to do with the general residency requirement for senators.

If these measures were adopted, we would all still have to be resident in the provinces we represent. These have to do with the real property qualification, the constitutional rule that says we must have \$4,000 worth of real property in, for most of us, the province or territory that we represent.

I might add that a happy by-product of Senator Patterson's initiative is that it would clarify the declaration of qualification that we are all required to make when we first come to this place. That is that long thing where we say:

He shall be legally or equitably seized as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, —

I don't even know how to pronounce these words.

— or seised or possessed for his own Use and Benefits of Lands or Tenements held in Franc-alieu or in Roture . . .

And on and on and on.

First prize to anybody who knows what those words mean. Senator Patterson's proposal is that we replace that incomprehensible statement with a simple statement that says that I, name of senator, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

How admirable. This is all the more reason for me to congratulate Senator Patterson on trying to take all these bulls by the horns and make some progress.

We were talking about constitutional amendments, and the first obvious question when one is considering constitutional amendments is whether Parliament has the authority, the jurisdiction to do this, to make the proposed changes.

The answer, colleagues, is yes and no. The answer is that according to the Supreme Court of Canada, Parliament acting alone under section 44 of the Constitution Act, 1982, can make this specific change, eliminating the real property qualification for all provinces and territories except Quebec.

It is not a minor exception. We're talking about nearly a quarter of the country with unique historical and cultural needs and requirements.

In Quebec, the Constitution says that senators are appointed to represent specific divisions. We, Quebec senators, are the only senators who by law must represent a specific division. Other senators may choose, and some do, to say that they represent Kingston and the Islands or whatever they choose as their personal expression of identity.

In our case, we are by law, under the Constitution, appointed for specific territorial divisions.

The divisions in question are, to put it mildly, greatly out of date. If memory serves, they refer to the electoral districts that existed in Lower Canada in about 1864. And you can imagine the population shifts that have occurred since then, not to mention the extension of the borders of Quebec since then, and none of the divisions include the territory that has been added since 1867. But they are there, and they were put there for a real reason, because Quebec is the primary home of Canada's largest minority, the francophone French-speaking citizens of this country.

And within that minority there is another minority, the anglophone minority in Quebec. Both of those groups at the time of Confederation had legitimate concerns that under the new regime we were setting up they might be swamped in this place, even though the Senate's whole function and purpose in the minds of the Fathers of Confederation was not only to provide sober second thought but to represent regional interests.

So the solution that was found was these divisions. They mattered. They were a key part of the deal for my province of Quebec.

• (1500)

That is why, in its landmark ruling two years ago, the Supreme Court of Canada said that the real property qualification cannot be abolished in the case of Quebec without a parallel resolution of the National Assembly.

Now, there is a little hitch here. If we only abolish the real property qualification, the Constitution also says — and again, this is a unique circumstance for Quebec — that we must either have our \$4,000 real property in the division we represent or we must live in that division.

If you take away the real property qualification and don't fix the rest of it, then we are going to face heavy moving expenses, may I suggest, because many senators from Quebec do not and have not historically resided in the divisions they represented any more than MPs always reside in the constituencies that they represent. But there we are; we're stuck with it.

Senator Patterson's motion sets out that for Quebec both of those requirements would disappear, and we would, as Quebec senators, then face only the requirements that apply to all senators, namely, that we must reside in the province we represent rather than being tied to a specific division.

Now, anybody who has listened to me go on and on about this over the years knows that I thoroughly support what is being attempted here. Like most of us, I think the real property qualification is an embarrassment, an archaism. We should get rid of it, but there is a problem. For Quebec, for the particular initiative to take effect in Quebec, it would, as I said, require resolutions of the Senate, of the House of Commons and of the National Assembly of Quebec.

This bilateral portion of the amending formula in the Constitution of Canada has not been used that often since it took effect in 1982, but there are some precedents. It was used, for example, to change denominational school provisions in the Constitution in both Newfoundland and Quebec. It was used when Newfoundland changed its name to Newfoundland and Labrador, so we know it can work.

However, I think there is a key point here. It is my understanding that before the resolutions were presented in the Senate or the House of Commons or the relevant provincial legislature, there had been mutual agreement to proceed. There is no evidence before us that the Government of Quebec would be in agreement with this change, and it is my view that we should have that assurance before we proceed.

Colleagues will recall that constitutional matters carry perhaps more sensitivity in Quebec than in some portions of the country. I have no reason to believe that there would be any inherent objection on the part of the Government of Quebec to these changes, but you never know. It would be important, in my view, for us to ascertain formally in writing whether the Government of Quebec believed this was an appropriate course for us to take.

That assurance could be sought by Senator Patterson himself. It could be sought by the Speaker, but I think it would be very important for us to have that before we proceed because this is a constitutional provision that affects Quebec. So who are we to shove it down Quebec's throat without at first at least trying to achieve agreement on it?

Now, this position of mine raises another question that was put to me by one of my most respected colleagues the other day: Why would you hold the rest of the country back from such a desirable change if there is only one province that needs what I consider to be the special essential consultation? My answer to that is simple. It's because we are a country. We are one country, and it is our job, perhaps more in this chamber than anywhere else, to treat each other and to treat all parts of our country with respect and fairness and equal consideration.

If we pass the bill for the nine provinces and three territories but not the motion — there is motion for resolution — that would, as Senator Patterson eloquently suggested, eliminate a truly archaic form of discrimination that exists in those nine provinces and three territories. However, I suggest to you that it would create a new discrimination between my province and the rest of the country. Without participation of the Government of the National Assembly of Quebec, suddenly we would be the only senators required to meet the property qualification. Everybody else would have joined the 21st century but we would be shackled to the 19th century. I don't think that's fair, I don't think it's

respectful. It's one thing for us to live with an archaic relic; I think it's another to establish a new division affecting only one province.

If we wait, with any luck, not very long to get the agreement of Quebec to proceed with this measure, will we be doing any harm with that delay? I don't think so. The fact is that \$4,000, although I said yesterday that it was a very great deal of money in 1867, is not that much now.

Senator Patterson spoke eloquently about the difficulty for many people in this country to own a home, but you don't have to own a home in your province or your division to qualify as a senator; you have to have \$4,000 worth of real property. You can be like me and have about a quarter acre of swamp some place. For some people — I refer to Quebec — if your division is urban, you may have difficulty finding property for only \$4,000, but it can be done.

Further, I am not making light of people of very limited means, absolutely not, but the history of this place does show that where there is a will there is a way, and the classic example of that is our former colleague Sister Peggy Butts, a sister in the Congregation de Notre Dame who had taken a vow of poverty and was not allowed to own property, but she was an eminent, illustrious citizen of this country, and a way was found. Her order made over to her some property, and she lived there, and the day she left the Senate, she gave the property back to her order, and she was an ornament to this chamber.

Senator Patterson talked about the difficulty of knowing whether condominiums qualify. I did some very sketchy work to try and ascertain this, and one respected lawyer said to me it is absolutely crystal clear that condominiums do qualify as real property for the purposes of the constitutional qualification. Another one said, "I'm not that sure about all the provincial legislation, but I'm pretty sure that at least in Ontario and B.C. they qualify."

• (1510)

But again, I repeat, you don't have to own a house or a condominium. You must live in your province and you must, separate from living in your province, own \$4,000 worth of some form of real property.

Senator Dyck will correct me if I'm wrong on this, but I think that even in the case of on-reserve Aboriginals, which Senator Patterson raised, the difficulty is not insuperable because I think that certificates of possession would cover that requirement for ownership of property for purposes of membership in the Senate.

This is a long way of saying that, like everybody in this chamber, I want to get where Senator Patterson wants us to be. But I think it's terribly important that we do it properly, and in my view, that means not proceeding with either of these items, the bill or the motion, until we have verified the position of the government and the National Assembly of Québec. Thank you, colleagues.

Hon. Pierrette Ringuette: Would the honourable senator answer a question?

Senator Fraser: Yes.

Senator Ringuette: You talked about the relationship, with regard to Quebec, of the 24 ridings. The fact is that removing the \$4,000 — with the agreement of the Quebec government, of course — might also create an obligation for senators from Quebec to reside within these ridings. Is that what I understood? If so, then that is truly creating a whole new set of issues.

Senator Fraser: It's not that it might; it's that it would. If all we did was remove the \$4,000 property qualification, the other element of that particular section would remain, and that section says:

In the Case of Quebec he —

— we all were “he” then —

— shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

So in all fairness, in all logic, we need to get rid of both of them, which is why Senator Patterson has had to address the Quebec question in a separate motion. Does that answer the question?

Senator Ringuette: Yes, it does. I would like to move the adjournment of the debate in my name.

The Hon. the Speaker: Before you do, Senator Maltais has a question.

[Translation]

Hon. Ghislain Maltais: Senator Fraser, I listened carefully to your speech. The bill currently before us would resolve an issue facing one senator in particular, Senator Patterson, with whom I fully agree. However, we cannot rewrite history. That is very important.

You know why we had 24 seigneuries in Quebec. You know why we have 24 senatorial districts in Quebec. You know why two amendments were added to the Constitution, one for Newfoundland and Labrador and the other to secularize education. Since we are now an independent Senate, free of any attachments, could this issue not be resolved among Quebecers? Could we not get the Quebec senators together to come up with a proposal for the National Assembly and come back here to draft a bill tailored to Quebecers, and then amend the Constitution accordingly? This would ensure some degree of unanimity.

The way the bill is currently worded, a unanimous vote is required in the Senate, which may be difficult to achieve. You would never have my vote on that.

I therefore propose that Senator Patterson split his bill so that we can vote in favour of it right away and resolve that particular situation.

I simply cannot imagine a senator from the Northwest Territories resolving a Constitutional issue related to Quebec.

That would not go over well, senator. You know Quebec's francophones and anglophones as well as I do.

I therefore suggest this alternative, given that the senators are independent and extraordinarily open-minded.

Senator Fraser: I think we're more or less of the same view, Senator Maltais. I think that's why Senator Patterson presented his proposal in two parts: the bill was for the rest of the country, and the motion was for Quebec. I fully agree this proposal should be bilateral, not only in form, but also in substance; and let us consult our National Assembly colleagues in Quebec. Otherwise, who are we to impose a change regarding something that, at the time, was critically important to Quebec? We need to act with a minimum of respect for our colleagues.

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

Senator Fraser: With pleasure, yes.

[English]

Senator Joyal: Senator Fraser, I listened carefully to you, and you tended to suggest that this house of Parliament cannot move unless we have concurrence of the legislative assembly, which is concerned with bilateral changes of the Constitution. First, that's not exactly what the Constitution says.

Second, when I sat in this chamber in 1999, we adopted a bilateral amendment with the Province of Quebec and another one with the Province of Newfoundland and Labrador. When the Province of Quebec wanted concurrence from this house and the other for amendments to remove the religious administrative structure of the school system in Quebec, which was in the Constitution in 1993, the first initiative was from the legislative assembly, which adopted a resolution. Then they sent the resolution to the federal government. That's how it happens, and that's what is written in section 46.(1) of the Constitution. I will read it to you:

The procedures for amendment under sections 38, 41, 42 and 43 —

— which is the one at stake —

— may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.

In the case I just outlined to you, the precedent that some of us voted for in this chamber — I was one of them — was at the request of a resolution adopted by the legislative assembly in Quebec. So in my humble opinion, there is nothing that prevents us from adopting the resolution proposed by Senator Patterson and informing the legislative assembly in Quebec, which is called the National Assembly, that we seek their concurrence for that amendment that, as you know, was looked upon by the Supreme Court in 2014 and was ruled and considered with no more real protection for the purpose for which it was originally put in the Constitution.

• (1520)

If we or you or I reread the ruling of the Supreme Court of April 2014, it's fairly clear that the court says that the Parliament of Canada has the constitutional authority to remove that section of the Constitution — in the case of Quebec, seek, of course, the concurrence of the province. But the court said clearly that the purpose for which those sections were originally included in the Constitution does not serve any more protection that is not provided by the Charter or by other sections of the Constitution.

That is why I would like to ask you if your approach is essentially political courtesy rather than based on the precedent and the reading of the Constitution.

Senator Fraser: There is a distinction to be drawn here, I believe, between the law and what is the right thing to do. In law, you are, of course, as always, Senator Joyal, 100 per cent correct. Absolutely. I don't dispute that.

And I can conceive of circumstances in which Parliament might choose to initiate, without prior consultation, a constitutional amendment if there were matters of some urgency, but in order to get a bilateral amendment — if you want to call it that — adopted, it also must be adopted by the province in question. It seems to me appropriate that there be some form of prior consultation. In law this is not necessary. But I do think it is, where possible, a respectful way to proceed, and I believe that respect in these matters is something worthy of attainment. However, in law, you are absolutely right, and I would not now wish to go down the road of what I would recommend doing if Quebec, for whatever reason, said, "No, we won't do it." I'd be a bit surprised, but were they to do that, then I might have to reconsider my position about Senator Patterson's bill. As you know, I'm proposing that we put a bit of a hold on both elements of this package until we can be sure that my province supports a constitutional amendment that is going to affect it.

Senator Joyal: The honourable senator mentioned that you would not want, of course, to hurt or act discourteously with the Province of Quebec. Of course, you are a senator from Quebec as much as I am and as much as many other senators in this chamber are. But when I read the brief that the Quebec government tabled with the Supreme Court in 2014, and I had the authorization of the court to intervene, I carefully read that paragraph of the brief of the Quebec government. The brief stated the objective as originally contemplated by the framer in 1867. I was there, and, again, I'm not telling the history of somebody else. I listened carefully to what the Quebec attorney had to say on that question because the question was before the court, and never did the Quebec attorney plead that this has to remain in the Constitution, as I said, for the sake of the objective that was originally contemplated when it was put in the Constitution.

Moreover, we adopted in this chamber amendments to the law of succession to the throne, and the constitutionality of that bill that we adopted in this chamber unanimously is being challenged, as you know, in the court. We had a decision last February at the Superior Court in Quebec, and it's now before the Court of Appeal in Quebec. The closing date for tabling briefs was October 7, and the Quebec government has taken the stand of challenging the capacity of the Parliament of Canada to adopt

those amendments that we adopted unanimously, Quebec senators, and you remember, of course, when we debated that in this chamber.

So I can understand that we could send a letter to the Quebec premier informing him that we are contemplating this issue, but I don't think that it should prevent us from airing the issues, exposing the arguments and requesting concurrence from the Quebec government, which I would say in good faith, as much as they sought our concurrence in 1999 when we voted unanimously in this chamber for the bilateral amendments sought by the Government of Quebec and the Government of Newfoundland and Labrador.

So I have a nuance with your position, that we should continue the debate and the study of Senator Patterson's motion because I think it is helpful, even for the Quebec government, to read the arguments that the honourable senators will have an opportunity to set out in the reasoning so that it will help the Quebec government to come to a decision in relation to that. That's why I have a nuance with what you suggest to us, that we suspend everything. My question is that we should continue the discussion, debate and study of this issue to help the Quebec government understand the implications of what we are looking for.

Senator Fraser: Thank you for allowing me the opportunity to clarify what I'm actually trying to suggest here, senator. I'm all in favour of debate, study and airing the issue. I absolutely support that, and I hope that a number of senators will participate in this debate because we're talking about constitutional rules that affect this chamber.

What I was hoping to postpone, at least for an interim while we try to reach out as I have suggested, was actual votes. I don't see any reason why we would need to rush.

Now Senator Patterson is probably sitting there thinking, "Well, she's kept me waiting for six months. How much longer does she want me to wait?"

Senator Patterson: How did you know?

Senator Fraser: But one of the lessons I learned when I came to this place, and I came from daily journalism, so it was a big lesson for me to learn, was that sometimes time brings wisdom and consensus here, and in this case, I think it might, but I'm certainly not trying to stifle debate.

On the matter of the royal succession, since you raised it, I observe that I strongly objected to that bill not at all in substance but because what we were being asked to do was pass a bill saying, sight unseen, that we adopted a bill that had yet to be adopted by the Parliament of Westminster. We were being asked to buy a pig in a poke. We all knew they were trying to update the rules of the royal succession. We were all in favour of that, but I strongly objected to being asked to support, sight unseen, the final form of a bill passed by another Parliament.

Senator Joyal: I just want to invite honourable senators to read the decision of Justice Bouchard of the Superior Court where he specifically addressed that question by stating that the preamble

of the Statute of Westminster invites Westminster to seek the concurrence of the Dominion before they legislate in relation to the amendments to the Succession to the Throne Act. In other words, your preoccupation has already been dealt with by the justice at the Superior Court. Of course, it will be reconsidered at the Court of Appeal, as I mentioned, and I will have the pleasure of expanding on that issue maybe next year in front of the court. But that issue has been addressed very well by the court, and I think that should not influence the honourable senator in her decision in relation to the debate of that bill.

Senator Fraser: I did actually spend some time contemplating the Statute of Westminster at that time. May I suggest that the policy of seeking concurrence, whether in law or in some other form, is exactly what I am arguing for here.

• (1530)

The Hon. the Speaker: Senator Patterson, if you propose to speak, you will end debate on second reading. Question Senator Patterson?

Hon. Dennis Glen Patterson: I would like to thank the honourable member for giving me some credit for this bill. I should give credit to Senator Banks, who inspired me to revive this bill following the Supreme Court ruling.

I would like to suggest to the honourable senator, with all respect to your concerns about consulting Quebec, that my initiative is in two parts. There is a bill, which is before us today, and there's a motion. The motion primarily addresses the question of consent of Quebec. We're not discussing that this afternoon directly.

Would the honourable senator consider whether the best way to proceed would be to have this bill thoughtfully considered by a committee of this body and, as Senator Joyal said, give the Government of Quebec lots of reasons why we're taking this step and leave the debate about consent of the legislature of Quebec to when my motion comes up in the chamber?

Senator Fraser: It is going to come up this afternoon because it's on day 15.

I can make the whole speech all over again if anybody wants.

Senator Plett: No.

Senator Fraser: I thought not.

When I was speaking under the formal heading of the bill, I was trying to address both parts of the package. I tried to explain that, at least for now, it would be courteous, respectful and fair not to move on the bill which affects the rest of the country unless we have some assurance we can also move on the motion. I have described the assurances that would be appropriate.

If it is the will of the chamber, my preference is to refer the subject matter to a committee. For now, I would like to avoid an actual vote, even though second reading is approval in principle and I approve of the principle. I hope you understand my reticence about actual formal voting at this point.

Senator Patterson: You raise an interesting question about how we should seek the approval of the legislature of the Quebec. As a courtesy I provided the bill to the Minister of Intergovernmental Affairs for Quebec some time ago when it was introduced in the Senate.

Do I as a sponsor of a private member's bill have the authority to represent the Senate in asking the Government of Quebec for concurrence before taking the next step? Does it come through the Speaker? That's a good question to ask if we want to provide the Government of Quebec with the courtesy of consultation.

I suggest respectfully that a good place to discuss that would be in a committee of this chamber. I don't think the Province of Quebec has the habit of appearing before a Senate committee, but they could be invited. They make break precedent and want to appear.

This important question is a good idea. Rather than leaving it in limbo, it is something that could be usefully discussed with the committee.

The Hon. the Speaker: Senator Fraser, your time has expired. Are you asking for an additional five minutes?

Senator Fraser: No, simply to respond to Senator Patterson, if I may.

The Hon. the Speaker: Senator Fraser.

Senator Fraser: There is provision in the Rules that when a committee is studying the subject matter of a bill, that committee should get in touch with and seek the reaction of any province that may be affected.

In fact, I have seen the Government of Quebec appear before the Legal and Constitutional Affairs Committee or sometimes a special committee on Senate reform more than once. It would not be unprecedented for them to do so.

They may equally well send a letter saying, "Do what you want; we don't care." Then it would be up to us to decide whether or not we wanted to press for some assurance that they would take parallel action to produce a resolution in the National Assembly.

That would be one way to do that. The chair of the committee or the clerk of the committee could write to the Government of Quebec, or, since we're talking constitutional matters, maybe the Speaker. I'm not fussy about the actual way in which the consultation should be conducted; I just think it should be conducted.

As for your status as an individual senator, you have every right to be in touch with anyone you want, including the government of any province you want. They may or may not be courteous enough to respond to you, but I would defend to the death your right.

Senator Day: Honourable senators, I move the adjournment of the matter in my name.

Senator Ringette: I already moved the adjournment.

The Hon. the Speaker: Sorry, Senator Ringuette, but before questions started, Senator Day asked to move the adjournment. I asked him to sit so questions could be asked. That was before you asked for it. Senator Day is now moving the adjournment of the debate.

(On motion of Senator Day, debated adjourned.)

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Dawson, for the second reading of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

Hon. David M. Wells: I seek leave of the Senate that after I speak to this bill today that it remain adjourned in the name of Senator Tannas.

The Hon. the Speaker: Granted, honourable senators?

Hon. Senators: Agreed.

Senator Wells: Honourable senators, I rise today to speak about Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins), introduced by my colleague Senator Moore.

As senators, we have an important job with regard to legislation. Our collective responsibility is to examine bills and ensure that the end product is the most effective piece of legislation which best serves Canadians.

This bill gives visibility to an important issue. What is at stake is deserving of debate, and the proposal within this bill is one that should be of significant importance to all of us.

I believe that eliminating the captivity of whales and dolphins will be detrimental to the important research being conducted and will continue to be conducted on marine mammals in zoos, aquariums, and marine mammal facilities.

I have over 30 years' experience in the fishing industry and am a strong advocate for sustainable fisheries. I know too well that understanding all the facts on an issue is of critical importance because there are times where the viability of a species is at stake.

Through my association and in-depth knowledge of the sealing industry, I also know that relying on campaigns of misinformation will only serve to harm a species and that it can lead to an imbalance in our ecosystem. These campaigns of misinformation only serve those who propagate them.

It is for this reason the issue before us is of great importance. As we analyze facts, we must take into consideration all the scientific data so that we as senators can make the right decision regarding the future and welfare of whales and dolphins, indeed of all marine mammals. We do ourselves a disservice when we're guided by emotion or the narrow spectrum testimonials of just a few.

As a senator from Newfoundland and Labrador, I have a deep appreciation of how heavily coastal communities rely on oceans. However there are increasing pressures put on them from pollution, overfishing, habitat damage and other factors. Therefore, awareness through information and knowledge is key to understanding the lesser-known aspects of our vast oceans.

I recently visited the Vancouver Aquarium Marine Science Centre as part of my own research. Vancouver Aquarium is a not-for-profit organization dedicated to the conservation of aquatic life. They have over 1,500 staff and volunteers who are deeply committed to protecting our oceans. During my visit, I learned firsthand the beneficial work done at the aquarium, and that helps us understand our marine ecosystems.

The Coastal Ocean Research Institute is an initiative of the Vancouver Aquarium. Its mission is to produce and communicate scientific knowledge, evidence and understanding with the objective of protecting coastal ocean life and habitat and ensuring they remain healthy into the future. They are a knowledge leader locally and internationally, and their current focus includes vulnerable species and habitat, including whales.

• (1540)

The research done in facilities like this can help us learn about species in the wild. An example of the importance of research done at the Vancouver Aquarium is the work being done by Dr. Valeria Vergara with beluga whales. As you may know, belugas are known as the "canaries of the sea." Little was known about their song-like vocalizations. Over the course of several years, Dr. Vergara was able to classify 28 distinct call types such as the one mothers and calves develop to establish and maintain contact with each other. Dr. Vergara also discovered that beluga calves, much like human infants, learn language from their mothers and eventually learn to mimic their mothers' calls.

Dr. Vergara uses the data she has collected to better understand the calls she has recorded from belugas in the Arctic. This is crucial, as shipping and other human activities have increased in the Arctic. Thanks to this research, we can ensure that scientists, Arctic communities, operators, policy-makers and regulators are equipped with the most accurate information to allow them to make informed decisions about the impacts that human pursuits in the North may have on its wildlife.

In addition, I have received a letter signed by 70 scientists from around the world, supporting research in marine mammal facilities. In this letter, this group of scientists reaffirms the importance of research and marine facilities. They state:

The advances that have come from this research in marine mammal facilities could not have come from studies of animals in the wild. Field studies are crucial; however, many research questions are unsuited to discovery at a

distance. Studies of pregnancy, birth, and fine-scale calf development require the type of close and consistent observation that is only possible in zoological settings.

The hypothesis testing required for questions about cognition, perception and physiology requires the ability to present animals with specific situations and challenges utilizing the necessary controls, consistency and repetition that are impossible to achieve in the wild.

In Canada, we are fortunate to have excellent guidance on the subject of animals used in research. The Canadian Council on Animal Care, known as the CCAC, is the national peer review organization responsible for setting, maintaining and overseeing the implementation of standards for animal ethics and care in science throughout Canada.

The CCAC is internationally respected and recognized by organizations including the Organisation for Economic Co-operation and Development — the OECD — for its efforts in guideline development and facility accreditation. As well as having guidelines on the care and use for animals in teaching, the CCAC has published *CCAC guidelines on: the care and use of marine mammals*.

The preface of the *CCAC guidelines on: the care and use of marine mammals* sums up the primary challenge of maintaining any marine mammals. It states:

Concerns regarding the maintenance of marine mammals relate to the ability of institutions to ensure an acceptable quality of life for the animals in their care. The quality of life of an animal has been described in terms of an interaction of three components: biological functioning, affective states, and relatively natural life If marine mammals are to be maintained in institutions, these three components should be considered in relation to the facilities and husbandry regimes of the animals, in order to create environments that positively affect their quality of life.

In other words, colleagues, quality of life has to be the focus.

Dr. Jennifer Keyte, a university veterinarian and director of animal care services at Memorial University in St. John's, in my home province, has had more than 15 years in the field of laboratory animal medicine; that is, programs for the care and use of animals in research and testing. Dr. Keyte makes four key points regarding the capture and holding of cetaceans.

First, animals kept in captive environments are often well-kept, well-fed, well-loved and can live longer, safer lives than those in the wild, but no matter how you approach it, keeping whales and dolphins for education and research is an emotional subject.

Second, support for the position needs to place the welfare of the animals as paramount.

Third, support for natural habitat preservation, conservation efforts and research into animals in the wild also needs to be in place in order to balance the costs and benefits that are derived from holding large wild animals in captivity.

Fourth, education and public engagement need to be highlighted as benefits.

Colleagues, it is critical that we weigh the importance of research, education and training against the emotionally charged view that putting cetaceans in captivity should be prohibited.

My professional experience is also first-hand. I held a position as deputy CEO of the Canada-Newfoundland and Labrador Offshore Petroleum Board, the federal regulator for offshore petroleum exploration and production.

The board frequently assessed requests to perform seismic work in the exploration phase of offshore oil development. Seismic testing involves targeted subsea explosions and measuring the acoustic feedback. Without the body of knowledge available to us on marine mammal communication and acoustic characteristics, we would not have been able to make informed decisions on location and seasonality regarding seismic testing. Our focus was not on the oil companies. Our focus was on the production of marine life.

Honourable senators, while the bill seeks to end capture and holding the cetaceans, I think it would be a wrong move given the important work done in the educational, research and training fields. Coupled with bodies such as the CCAC, which developed guidelines on care and use of marine mammals, as well as already existing legislation, I believe it would be a mistake to allow Bill S-203 to pass. For these reasons, I will not be supporting Bill S-203, and I urge all honourable senators to do the same.

Some Hon. Senators: Hear, hear.

Hon. Wilfred P. Moore: Would the senator take a question?

Senator Wells: I will.

Senator Moore: I listened with interest to your speech, senator. It amazes me it has taken 15, 16 months to get this far, but I'm glad you spoke.

I do agree with your comments with regard to campaigns of misinformation such as Brigitte Bardot and the McCartneys. Nobody supported that.

I can tell you I don't think that anybody in this chamber would think that my speeches have been charged with emotion. They're a matter of fact. I'm pleased to hear you say that it all depends on the scientific knowledge. That is the key.

In my speech, I made no comments about the facility you mentioned not being able to do scientific research.

I am wondering how you jibe that when you indicate that my bill would deny supporting research. I don't understand that.

Senator Wells: Thank you, Senator Moore, for your question.

My comment wasn't directed at your bill and wasn't directed at you for heightening any emotion regarding this. There are many voices out there that do that very well.

One of the researchers I referenced, I spoke to that researcher in Vancouver. I also spoke to Dr. Keyte in Newfoundland and Labrador. A lot of this research cannot be done with cetaceans in the wild. There just are not the desktop or tabletop or lab controls that can be put in place that would be able to do the testing and to have control of the variables that are required in testing.

The reference was toward that. It only makes sense. That's why you have facilities such as aquariums with these controls, with PhDs, with scientists that do this work, because that can't always be done in the wild.

Senator Moore: The matter of doing research, I have advocated that on the mammals currently in the possession of these facilities and also on rescue animals that they may bring in that they can work on, that they cannot return to the wild, that they may keep them. Are we in disagreement on that point?

Senator Wells: We are, Senator Moore. Your statement presupposes, or supposes, that all the research done to date is all the research that will be beneficial into the future, so future work would be eliminated by this bill.

• (1550)

Further, any whales or dolphins that are brought into a facility because they're injured wouldn't necessarily — in fact, they very specifically may not be suitable for the types of testing that would happen if they come in injured. I don't know how good a specimen they would be for this type of research.

Senator Moore: I was heartened to hear you say that quality of life has to be the focus. I would suggest to you that the quality of life of a cetacean is in the wild, in the ocean where they belong, not in a swimming pool. Would you not agree with that?

Senator Wells: Thank you, Senator Moore. In general, I would agree with that. However, many of us have pets. Does that mean that the pets don't live a good life in our homes or in our gardens, that they should be left in the wild? Further, many of the cetaceans that are held in captivity were in fact born in captivity, so they don't know the wildlife that you suggest.

Hon. Donald Neil Plett: Would you take another question?

Senator Wells: Yes, I will take a question.

Senator Plett: Without speaking for or against the bill, I do have a question.

I have done that, Senator Moore, and I will do it again at third reading, but I won't do it here today.

As you said at the start, you were speaking to Bill S-203, An Act to amend the Criminal Code and other Acts. I want to read the "punishment" clause of this bill:

Every one who commits an offence under subsection (2) or (4) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding \$10,000 or to imprisonment for a term of not more than eighteen months or to both.

"An indictable offence."

As you know, and as we have said, this creates a new offence under the Criminal Code. Constitutional issues have been raised on this particular issue. Given that constitutional challenges may be raised, it clearly changes the Criminal Code. The sponsor of this bill has suggested that the bill go to either the Fisheries Committee or the Social Affairs Committee.

Given this, would you not agree that the only committee that should study something that is in the Criminal Code and constitutionally questionable should go to Legal and Constitutional Affairs?

Senator Moore: Point of order, Your Honour.

The Hon. the Speaker: Do you want to respond to the question?

Senator Wells: Yes, if I could have time to respond, and I'm happy to respond to any other questions within the five minutes.

The Hon. the Speaker: Point of order, Senator Moore.

Senator Moore: Your Honour, the honourable senator knows that I am withdrawing the clause with regard to the Criminal Code penalty. He knows that and his leader knows that, so the question is absolutely moot.

The Hon. the Speaker: Senator Plett, do you wish to reply?

Senator Plett: Absolutely. Senator Moore has told me that on Monday he would show me the text of what he's doing. Today is Thursday; I don't have the text.

As far as I'm concerned, we are debating a bill before us right now, an act to amend the Criminal Code. Once we have a bill before us that doesn't amend the Criminal Code, all of our arguments, including Senator Wells' argument that he just made, are irrelevant.

Right now we have before us Bill S-203, An Act to amend the Criminal Code.

Senator Tkachuk: We need a new bill.

The Hon. the Speaker: This is a matter for debate, Senator Moore, rather than a point of order.

Senator Wells, are you asking for time to respond to Senator Plett's question?

Senator Wells: I am, yes.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted. The matter remains adjourned in the name of Senator Tannas.

(On motion of Senator Tannas, debate adjourned.)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. Claudette Tardif: Honourable senators, I seek leave that after I speak, the adjournment remain in the name of Senator McCoy.

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

Hon. Senators: Agreed.

[Translation]

Senator Tardif: Honourable senators, I am very pleased to talk about Bill C-210, An Act to amend the National Anthem Act.

I would like to begin by expressing my great admiration for the person who sponsored this bill in the other place, the late Honourable Mauril Bélanger, a courageous man who inspired us all this past year.

Mauril strongly believed that the English version of our national anthem should be gender-neutral. I admire his passion and his commitment to this cause and to the many others to which he contributed during his productive but all too short career.

[English]

I would also like to recognize the work of our colleague Senator Nancy Ruth, who has worked tirelessly over a number of years to change the English version of our national anthem to make it more inclusive.

Bill C-210 proponents have argued that two words in our national anthem — “thy sons” — ought to change as they are not inclusive. Indeed, there is an obvious omission: women, who represent a little more than 50 per cent — in fact, 52 per cent — of the Canadian population.

Honourable senators, our current national anthem — the English version, that is — was actually modified at least once before. The original iteration was, in fact, gender neutral, as was — and still is — the French version.

Indeed, *O Canada* was originally a French song based on a French poem, and first performed on Saint-Jean-Baptiste Day in Quebec City in 1880. Its lyrics included women from the outset, as demonstrated in the use of gender-neutral language.

[Translation]

Ô Canada! Terre de nos aïeux,
Ton front est ceint de fleurons glorieux!
Car ton bras sait porter l'épée,
Il sait porter la croix!

[English]

The original English version of 1908 read “true patriot love, thou dost in us command.” It was in 1913 that a change in the English version was made from “thou dost in us command” to “in all thy sons command.”

The change proposed in Bill C-210 is not really a change but more of a rectification, or a return to the original meaning of this particular line in the anthem. It also happens to be more gender inclusive and representative of 21st-century Canada, recognizing that Canadians come from all around the world. It also puts the English version on par with its French counterpart.

[Translation]

If we were to compose a national anthem now, in 2016, it would most certainly be gender-neutral. I doubt it would even occur to anyone to ask whether “all of us command” would be a better choice than “all thy sons command”.

Our English national anthem was written over a hundred years ago and changed shortly thereafter, perhaps in reference to the young men sent to the front during the First World War. The way I see it, our national anthem speaks not only of our history as a nation, but also of its own history. For veterans and their families, this is a poem freighted with personal meaning.

That being said, I do believe words carry meaning, and the expression “thy sons” clearly makes a gender distinction. Those two words no longer work in 2016.

• (1600)

We have since modernized our way of thinking and writing in order to make our language more inclusive. Times change. Here in Parliament, our way of seeing things also changes with time. We are making legislative amendments today that we would have defeated or refused to consider outright 50, 30, even 10 years ago.

Just look at the recent bill on medical assistance in dying. With that in mind, I believe the change proposed in Bill C-210 is rather appropriate.

[English]

I believe that a majority of parliamentarians and Canadians would agree that as a society we should be as inclusive as possible. I hear this not just in Ottawa but also in Alberta and elsewhere in Canada, and most people, I believe, would agree that this should be reflected in our national anthem. Singing our national anthem

is more than a patriotic endeavour. It is a way to reflect on our past, present and future. It is a reflection of our identity as Canadians.

The fact is that we as Canadians have not done enough to celebrate women's contributions to our society until our recent past. This includes women of great talent and leadership whose contributions to Canada have been immeasurable. In the words of the late Mauril Bélanger:

On the eve of the 150th anniversary of our federation, it is important that one of our most recognized and appreciated national symbols reflect the progress made by our country in terms of gender equality.

Our national anthem, written a century ago, is a case in point. Celebrating the contributions of only half of Canadians to our well-being may have been an accepted practice 100 years ago, but this is now the 21st century, and our national anthem should better reflect who we are today and who we aspire to be as Canadians in the future.

Honourable senators, I truly do not believe that this small change alters our national anthem in a way that diminishes our shared history and sense of identity. Indeed, I'm inclined to believe that it will actually strengthen it.

Honourable senators, I therefore am fully in favour of amending our national anthem as proposed in Bill C-210.

Hon. Michael L. MacDonald: Will the honourable senator take a question?

Senator Tardif: Of course.

Senator MacDonald: The senator mentioned that the change in the national anthem will not change the meaning of the anthem, but of course "all thy sons command" is a possessive in English. If it was to change in a gender-neutral way, it should still be a possessive. Should it say "in all of our command" and not the proposed change?

Senator Tardif: I'm sorry, senator, could you explain the change?

Senator MacDonald: "In all thy sons command" is a possessive in the English language. If you change it to make it gender-neutral, should the words be "in all of our command" as opposed to the proposed change?

Senator Tardif: Thank you for the question, senator. I think the essence of the matter is that it remains neutral.

Senator MacDonald: Yes, but it's grammatically incorrect. That's the point I'm making. It is a possessive pronoun and you are changing the possessiveness of the language. It is improper English. "In all of us command" is not proper English.

Senator Tardif: I think that if you agree with the intent of the change, senator, I'm sure that the grammatical nature of it could be considered in committee.

Senator MacDonald: Another question: The original version of the anthem — and it's actually a version I love — is full of 19th century muscular Christianity. No question, Catholicism. I am Catholic. I can see it in the words. But how are the cross and the obvious Christianity in the French version inclusive?

Senator Tardif: Thank you. I'm not sure I understand the nuance that you refer to. I do not see, either in the French version or in the change, that changing it from "all thy sons command" to "in all of us command" negates any adherence to our patriotic sentiments or to our fundamental values, whether Christian or otherwise.

Senator MacDonald: Again, senator, I'm not talking about values. I'm talking about the proper application of the English language. It is improper English to say "in all of us command." It has to be in "all of our command." Do you not agree?

Senator Tardif: I believe that will be for the committee to look into, senator.

Hon. David M. Wells: Would the senator take another question?

Senator Tardif: Of course.

Senator Wells: Obviously, I see the intent here. I don't know why it is stopping at the first stanza. Later on in the anthem there is reference to "sons" and "gentle maidens rising." Why do you suppose no consideration was made to making changes to the rest of the anthem?

Senator Tardif: I do not see "gentle maidens" in the script that I have.

Senator Wells: I won't sing, but I will read it. I may sing it.

O Canada! Beneath thy shining skies
May stalwart sons and gentle maidens rise.

Senator Tardif: Once again, senator, if you agreed that we should be rendering our national anthem more inclusive, I believe that matter should be considered by the committee.

Hon. Joan Fraser: Following up on a point raised by Senator MacDonald, Senator Tardif. Some colleagues with long memories may recall that I have reservations about the proposed change here, but if the object is to modernize the national anthem so that it is a good reflection of Canadian society, how can we justify a national anthem that goes on at some length about —

[Translation]

Bearing the sword and the cross.
And your valour steeped in faith.

[English]

There are many, many Canadians who are not Christian let alone Catholic. For them, surely that is at least as offensive as the innocent phrase "thy sons." Why are we hammering away on the

English version? If we are going to change the national anthem every time we have a new version of what society looks like, why not do the whole thing?

Senator Tardif: Thank you, senator, for your comments and for your question. I certainly respect the opinion that you are presenting. I would say that Canadians continue to question their assumptions and their symbols. I can recall when we were talking about the changes to the Canadian flag and how opposed we were to the adoption of the flag with the maple leaf. Now we love our flag.

I'm saying that it's natural to question our assumptions and our symbols, but I think that at this point it's important to make this small change. If we want to add further changes, certainly that can be looked at, but at this point in time we're speaking about this one particular change which makes the anthem more inclusive to include not just some of us but all of us.

Hon. Lillian Eva Dyck: Senator Tardif, would you take another question?

Senator Tardif: Yes.

Senator Dyck: It's a follow-up to Senator MacDonald's point. He was essentially saying the English version says "true patriot love in all thy sons command." Then he was saying that "sons" essentially is a possessive pronoun.

• (1610)

Would you not agree that what the anthem actually is saying, if we rearrange the words, is "true patriot love command in all thy sons," so "sons" is actually a noun, not a possessive pronoun? Would you agree with that?

Senator Tardif: I think you raise a very interesting point, senator.

[Translation]

Hon. Pierrette Ringuette: Senator Tardif, would you take another question?

Senator Tardif: Of course.

Senator Ringuette: I really appreciated your comments, Senator Tardif. However, as a chamber of sober second thought, is it not appropriate, when studying a bill, to ensure that what is written in French is reflected in English, and what is written in English is reflected in French? In the French version of the national anthem, there is no mention of sons or daughters. Is one of our primary roles not to ensure that our national anthem also reflects consistency in the language?

[English]

The Hon. the Speaker: I regret to inform the honourable senator that her time has expired. Is she asking for more time to respond to that question?

Senator Tardif: In answer to that question, yes.

[Senator Fraser]

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

Hon. Senators: Agreed.

[Translation]

Senator Tardif: Thank you, Senator Ringuette. As you know, when it comes to translation, it is not a question of translating word for word, but rather about finding corresponding meaning. The French version is gender neutral, but that is not the case in the English version.

Senator Ringuette: Thank you.

(On motion of Senator McCoy, debate adjourned.)

[English]

SENATE MODERNIZATION

FIFTH REPORT OF SPECIAL COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report (interim) of the Special Senate Committee on Senate Modernization, entitled: *Senate Modernization: Moving Forward (Caucus)*, presented in the Senate on October 4, 2016.

Hon. Elaine McCoy moved the adoption of the report.

She said: Honourable senators, I am speaking to Recommendations 7 and 8 of the Modernization Committee's recommendations to move our Senate into the 21st century, and I will start at page 21 of our report, which begins with a reference to a poll that Nik Nanos conducted across Canada in April of this year at my request in which we asked Canadians whether or not they would like us as their senators to participate in political caucuses.

A strong majority, in fact three out of four, believe senators should be less partisan, and they say also that we should be independent and vote independently of any party caucus.

That is an enormous majority, and it is the people speaking. We have included a summary of that poll as an appendix to this report. We think it is significant position taken by the public of Canada.

Now, as you know, currently our Rules, both the rules of procedure, called the *Rules of the Senate*, and our administrative rules, the *Senate Administrative Rules*, often referred to as SARs, focus primarily at the moment on two political parties. It's primarily set up so that everything happens according to what I would call an oligarchy, two political parties, because that is who we had represented in the Senate.

In many ways it worked very well. For many years it worked very well, but as I said in a previous speech a month or two ago, it did in fact create a structure that is more susceptible to an abuse of power than not because you only have one who is in a majority and one who is in a minority, and the minority expects to be in the

majority in due course, in short order they hope, and so you set up a dynamic where there is agreement: If you do this now, then it will benefit me next.

Many of us in this chamber have argued, and some in speeches in this chamber — Senator Bellemare, you were one — have spoken in favour of a third group because we felt the third group would broaden the discussion and lead to more debates and discussion amongst us, and this would be a good and adequate deterrent against the tyranny of the majority.

I must say — and I have said it before and I will say it again — I personally have nothing against political caucuses, but I do think that having only two in a chamber of this size is not as conducive to full scrutiny of legislation and debate as it might be, and I must say that if we follow this path where we have at least three groups, maybe four — at the moment we have four — it does broaden and follow the history that George Étienne Cartier led us to. We would not have a Senate if, when Ontario, the anglophones, wanted to annihilate the francophones in Quebec, he had not said, “Wait a minute. We’ll go along with creating Canada, but we need to have three groups, and those three groups must be equal and they must be represented in the Senate.” And the Senate became the deal maker for Confederation.

In many ways we are going back to our roots. We are following that very wise reality of having at least three groups so you do have some means of offsetting the tyranny of the majority.

Now what do Recommendations 7 and 8 do? Basically this is the nuts and bolts. These are the tools that all senators need in order to perform their constitutional duties and functions in an effective way, and it’s because so many of our Rules have reference to either “caucus” or “recognized party” or “leader of a recognized party” or “leader of another recognized party.” It goes on and on and on.

We thought a first, direct and simple move would be to give all senators, whether or not they belong to a political caucus, ample room to maximize our participation in the work of the Senate and fully discharge our constitutional functions. We could do that by a simple change in definition of “caucus” so it would include either a political party or a group that is organized for parliamentary purposes. We’ve defined that here, as you’ve seen.

• (1620)

We thought also if we replace the term “leader of a recognized party” with the term “leader or facilitator of a caucus,” which would include a parliamentary group that is not a political party, caucus or a recognized party, that that would also open other rules up. Then we thought that every such group should have a spokesperson, and that facilitates what we call the usual channels so that we are able to organize and structure debates and make sure that chamber business and committee business is working well.

Now, I must say that until we have that done, what we have is a group — and we are organized. We do have the independent senators’ group and we are organized. Many of you would recognize our meetings, from being in a caucus already, for the very reason of structuring debates and our participation here.

But for the moment we feel that although there has been movement and we are very pleased to be on some committees and to be included in the scrolls — thank you very much for that invitation — and we are being included more and more in discussions, still we feel as if we have qualified for the Tour de France. We are here, we are members of the Senate, you are gradually and very gracefully including us more and more, but we feel that our bicycles are still locked in Customs. While you are all on your bicycles, our bicycles are still locked away. So what these recommendations would do is unlock our bicycles so we could at least begin to pedal down the roadway.

I will say it doesn’t fully answer every question. It doesn’t give us all equality on every level and on every small detail, but we also don’t think you can do everything at once. So when we looked at the vast array of things that need to be done, we thought, let’s start with the most important. Let me point out some of them.

For example, there is the very thought of selecting critics and sponsors. I can say there are 27 places in the *Rules of the Senate* and the *Senate Administrative Rules* that these simple amendments in definition will fix. One of them is agreeing on a motion to allocate time on government bills. These are the sort of nuts and bolts I’m talking about. Another of them is to sit ex officio on committees like other groups do to ensure there is representation from all parts of the chamber.

But I will say that the most active place where we are restricted from really being responsible is in terms of our committee memberships. Even with the two committee members we have now on all the standing and special committees, the Rules explicitly prevent us from substituting another independent senator. The Rules allow the Leader of the Government, the Leader of the Opposition and the leader of any other recognized party to substitute members from their caucuses. But for everybody else, there is no mechanism other than the Selection Committee or another motion on the floor of the Senate, which is altogether too cumbersome.

Since we’ve started sitting again since the election, which is roughly six or seven months now — we are at the end of October — 500 substitutions on committees have already taken place. Now, what we’ve been doing is walking the talk. We do, to the best of our ability, send somebody in our place, but they are not officially substituted so they can’t vote and they can’t put motions forward.

That’s a severe limitation on us taking our full participation. Forget proportionality. With the limited number of places we have on committees, we can’t take up the full burden of our responsibility, our duty to Canadians and our constitutional functions. It’s those kinds of nuts and bolts that Recommendations 7 and 8 would cure and would get us further along the road to integrating all of the new appointees.

Now, I must acknowledge what we heard today, that another nine senators have been appointed. Of course we welcome them and congratulate them. Their biographies appear to be outstanding. So we will all benefit from their presence, whether they join a political caucus or the independent senators’ group or wish to sit strictly as independents themselves. I don’t know. Whatever it is, if they are appointed to a committee, they will not have anyone who will be able to substitute for them when they are

sick or off on business in their constituencies. It is really that kind of limitation for which we are putting forward a very practical suggestion that would allow other things to be discussed more fully.

It's because it's such a nuts and bolts issue and goes to the very ability for us to fulfill our functions that we asked that this measure be brought back by November 30.

One thing we did recognize, although there were 15 of us and several others who participated and who regularly attended, 15 of us on this committee came back with a consensus on these recommendations and recognized that somebody else should do the due diligence on what we are recommending. Of course, due diligence on the *Rules of the Senate* is at the Rules Committee and due diligence on the *Senate Administrative Rules* is at Internal. So our recommendation is framed in that we send it to those two committees and ask them to appoint the refined amendments no later than November 30.

Today is October 27. I'm looking at Senator Fraser, who chairs the Rules Committee, and at Senator Housakos, who was here a minute ago, and Senator Wells, who is on the steering committee of Internal, and I am saying to you we think we've done our homework well enough that if you turn this matter over to your staff and the staff of committees and then hold a meeting on it, we could bring this back and settle this nuts and bolts piece quickly before we continue to debate all the other questions we have that we have not resolved as to the long-term future of this Senate. This is the practical piece that gets us going forward.

I do say that I don't think we're letter-perfect on what we suggested in the report on the amendments, and I didn't think you would think so. I see you shaking your head, Senator Fraser. I knew you would find at least one point that needs refining because you are that good at it, but I do think that if we get the analytical staff with your committee, you and Senator White to look at this, we could come to a quick resolution.

May I have some more time?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator McCoy: So what we are asking, then, is for a pragmatic move forward, which we think will take us one step further but also give us the space. There are other bigger questions, Senator Frum. I know we've had these discussions at the Special Senate Committee on Senate Modernization. There are some bigger questions that are long term, and I think we need to take the time to build a consensus on that. I think we also deserve to give ourselves the time to do that, and I think we also need to give the new senators who are coming in time to participate in those discussions, all of which I'm in favour of. But we can't lock our bicycles up at customs while we wait to decide whether the race is even going to start without us.

• (1630)

What we're asking is for this practical resolution of this matter now. Thank you.

[Senator McCoy]

The Hon. the Speaker: Do you have a question, Senator Joyal?

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

Senator McCoy: Yes.

Senator Joyal: Thank you, Senator McCoy, for your presentation. I listened to you very carefully, and I think the principle that you would want to achieve, which is to make sure that the senators who are non-affiliated or independent would want not only to participate but also have the opportunity to be replaced a member of their group, seems rational and reasonable.

You called upon pragmatism in order to make the adjustments that are needed in our institution to better reflect its composition.

I subscribe to the pragmatism approach. I refer you to Motion 43 on the Order Paper. It calls for pragmatism to solve a problem, which is the membership on the Conflict of Interest Committee, which we haven't had since the opening of the new Parliament, which I think is very serious in our way of maintaining ethics. In that same context of pragmatism, what has been offered as a compromise is a fifth seat on the committee to a member of the independent group as a way to solve that conundrum and show that there is movement on all sides in relation to achieving the progress we want in our chamber.

Senator McCoy: Thank you for the question. As the Deputy Chair of the Modernization Committee knows so well, we did not address the situation of that third pillar. We have three rule books, if you like, that we all have to follow. One is the Senate procedural rules that govern what we say and do in committees; one is the administrative rules, which govern how we conduct our business; and one is the code of ethics and conflict of interest, which is another way of controlling and maintaining high behavioural standards for senators.

It is good when all three are actually matching. There is quite a lot of mismatch, but there are also intense reviews under way at the moment, especially on the administrative rules, to try to knit all three together.

In terms of what you were raising, you are speaking more within the ambit of recommendation 21, which is proportionality, which Senator Eggleton and others have spoken to so eloquently. When I made the amendment — was that March or February?

May I have time to finish the answer?

Hon. Senators: Agreed.

Senator McCoy: The motion that you brought forward, Senator Fraser, seconded by Senator Joyal, in February or March was to put five people on that committee, three Conservatives and two Liberals. I spoke up at the time and I said even today that's not proportional, and on that very important committee, which we should have right away, we should have a representative of the independents.

I put forward the amendment that said we will have two Conservatives, two Liberals and one independent, and that was roughly proportional at that date.

Subsequently, we had seven new senators, and others have left the political caucuses. In today's world, proportionality on this five-member committee, ethics and conflict of interest, would not be two Conservatives, two Liberals and one independent, as far as I know.

There have been discussions, and we have been waiting for some kind of compromise to come forward, particularly from our friends in the Conservative caucus. This hasn't been resolved yet.

We have other suggestions that are being spoken to, Motion 60, for example, which actually is a longer term proposal because Motion 43 is essentially a sessional order.

Those discussions have been going on. They're amiable, but they're taking too long. I certainly will endorse what I think you implied, that we should get to some agreement very soon.

(On motion of Senator Bellemare, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO EXAMINE AND REPORT ON COMMITTEE MEMBERSHIP— MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator McCoy:

That the Standing Committee on Rules, Procedures and the Rights of Parliament, when and if it is formed, be authorized to examine and report on Senate practices, and provisions in the *Rules of the Senate*, relating to committees, including senators' memberships on committees, in order to evaluate whether all senators:

- (a) are, in practice, treated equally, and with fairness and equity, irrespective of whether they sit as government members, as opposition members, as members of recognized parties or as independent senators; and
- (b) have reasonable and equal opportunities to fully participate in and contribute, through committee work and membership, to this chamber's role as a complementary legislative body of sober second thought, thereby enabling all senators to adequately fulfill their constitutional roles and responsibilities;

That in conducting this evaluation the Rules Committee pay particular attention to:

(a) the process for selecting members of the Committee of Selection, so that all senators can be considered for membership on that committee, and so that the interests of all senators, whether they sit as government members, as opposition members, as members of recognized parties or as independent senators, are represented in the membership of that committee; and

(b) the process whereby the Committee of Selection develops its recommendations for membership of the other committees;

That the Rules Committee also take into account the anticipated increase in the number of senators who are not members of a recognized party and how this emerging reality should be taken into account, including during the current session;

That the Rules Committee recommend necessary amendments to the Rules and adjustments in Senate practice based upon the results of its examination; and

That the Rules Committee present its final report on this study to the Senate no later than March 31, 2016.

And on the motion in amendment of the Honourable Senator Bellemare, seconded by the Honourable Senator Enverga:

That the motion be not now adopted, but that it be amended by replacing the paragraph reading:

"That the Rules Committee also take into account the anticipated increase in the number of senators who are not members of a recognized party and how this emerging reality should be taken into account, including during the current session;"

by the following:

"That the Rules Committee also take into account the anticipated increase in the number of senators who are not members of a recognized party so that they are able to form a group of independent senators with the resources and rights available to a party recognized under the *Rules of the Senate*;"

Hon. Yonah Martin (Acting Leader of the Opposition): Honourable senators, I see that this is at day 14. I am not yet ready to speak on this, so I move the adjournment of the debate for the remainder of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

[Translation]

THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE *CONSTITUTION ACT, 1867* BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the honourable Senator Runciman:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the Constitution Act, 1867, requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property

qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. (1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.

(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).

2. The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:

I, A.B., do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.

Hon. Joan Fraser: Honourable senators, this motion is the second half of the proposals that I spoke about at length earlier today. I could repeat everything I said, but it is already getting late and those who want to know more about this motion can read the record of proceedings.

Hon. Ghislain Maltais: I wanted to adjourn the debate in my name because this motion pertains to Quebec. Unfortunately, I think it is already too late. Mr. Speaker, I would have liked to speak to you sooner, but I was prevented from doing so because there were a number of people wanting to speak.

I would have appreciated some instruction from you. We are dealing with a serious constitutional amendment. The question I asked Senator Fraser is very important for Quebec. In future, when an issue relates so specifically to one province, would it not be possible to keep senators from said province abreast of what has been done?

We found out unexpectedly that a Senate bill ended up at the National Assembly of Quebec without the knowledge of the senators from Quebec. That is unacceptable.

I would appreciate some instruction from you on this matter, Mr. Speaker. Thank you.

(On motion of Senator Maltais, debate adjourned.)

• (1640)

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY EXPORT PERFORMANCE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Day:

That the Standing Senate Committee on Banking, Trade and Commerce, when and if it is formed, be authorized to examine and report on Canada's export performance as compared to international best practices in order to provide recommendations to improve Canada's current export performance, the worst in 30 years according to the OECD;

That the committee make a preliminary report on the current export performance to the Senate no later than April 14, 2016; and

That the committee make to the Senate a final report on the implementation of an integrated policy for all partners to improve Canadian exports to all countries, especially those with which Canada has a free trade agreement, no later than December 16, 2016.

Hon. Pierrette Ringuette: Honourable senators, today I will speak on the motion put forward by the recently retired Senator Hervieux-Payette.

This motion was a request for the Banking, Trade and Commerce Committee to study Canada's exports. I should point out that Canada is undergoing the worst export recovery since the Great Depression of the 1930s.

Some senators have stated that the committee's mandate does not provide for such a study. They can hide behind a mandate, but mandates are meant to be followed when they are relevant.

When called upon to do so, the Banking, Trade and Commerce Committee conducted all sorts of studies that were outside its mandate. Some of these studies were on productivity and retirement, but also on trade. You can consult the committee's website for more information, but the point is that these studies were done when they were deemed relevant.

The Standing Senate Committee on Banking, Trade and Commerce has just released the results of a study on internal trade, and it is completely legitimate for the committee to conduct a study on external trade or the state of our exports.

Today, the barrier between our domestic economy and global markets has evaporated, and yet it remains in the Senate. Last year, there were two studies on trade in the Senate, one by the

Standing Senate Committee on Foreign Affairs and International Trade and the other by an economist from the World Trade Organization on behalf of the office of Senator Hervieux-Payette.

I encourage you to read both and ask yourselves which of those studies better addresses the issue of Canada's ability to globally compete.

The study done by the economist outperforms the one done by the Standing Senate Committee on Foreign Affairs and International Trade because it emphasized how Canada's internal economy was failing to achieve success on global markets. This study revealed that many of the countries that outperform Canada no longer distinguish between domestic and international trade.

Did the Standing Senate Committee on Foreign Affairs and International Trade address the relevant issue of slow export growth by travelling to Argentina? For 15 years, Argentina had defaulted on billions of dollars in foreign capital on global markets. According to *The Economist*, the country lied to the international community about its inflation figures. Exports to Argentina account for 0.05% of Canada's exports.

The Standing Senate Committee on Foreign Affairs and International Trade is not the only committee to focus on trade, nor should it be. Canadians now need a study on export opportunities. By virtue of its title, the Standing Senate Committee on Banking, Trade and Commerce is responsible for assessing Canada's commercial activity, so why should it be limited to domestic activity?

If you support this study, you vote for a relevant Senate capable of addressing today's challenges to the best of its abilities. So let us talk not about mandates, but instead about the reality facing Canadians on global markets.

Members of the Banking, Trade and Commerce Committee had the opportunity to hear Governor of the Bank of Canada Stephen Poloz talk about what he called an "export slump". Now there are two reasons for the current state of affairs. The first is that we have just gone through a commodity boom and the boom has ended. The West Texas Index for the price of oil still remains below 50 dollars a barrel, and other commodities such as iron and copper have also fallen. This cycle is over and will not likely come back for some time.

[English]

However, many economist bankers believe the end of the commodity boom would create a manufacturing revival. Yet for more than two years now, Canadian manufactured goods have been disappointing.

Why? Well, our current trade surplus with the United States is decreasing. In fact, it is at the same level as it was in 1993. That is 23 years ago. Our overall trade balance is experiencing a near record low deficit of \$3 billion. All of this is happening at the same time when many experts said we wouldn't have a problem. The reason why is because when the American dollar appreciates,

it helps all of the countries that have signed free trade agreements with the United States. In the early 1990s, there were two such countries, Canada and Mexico. Today, that list has exceeded 20 countries. As such, our semi-exclusive access to the United States has ended.

Honourable senators, 95 per cent of exports from Atlantic Canada go to the U.S. If Atlantic Canada does not reach other markets, the situation will go from bad to worse.

Mr. Poloz informed the Banking Committee this week that exports had slightly decreased in the last six months, and Mexicans have increased their exports to the U.S. Our share of the American market has shrunk, meaning the size of the pie has grown but our slice is smaller.

My fellow colleagues, the problem is far deeper than many would suggest. The number of exporting, small and medium-sized enterprises has decreased by 15 per cent over the last decade in Canada. Most of this occurred in the manufacturing sector whose share of the economy has also diminished. Despite the popular rhetoric, Canada is now a service economy, meaning services account for more than 70 per cent of our total output and employment.

Has there been a study by the Foreign Affairs Committee on how to harness a service economy to compete in today's global market? No, yet these opportunities must be investigated. Other countries such as the United Kingdom and Germany have spent considerable funds, time and effort to ensure that their economies and citizens are capable of using the same type of economy to compete in today's global economy.

I, for one, believe it is time to take a serious look at the successes of other economies and copy their strategy when and where it is appropriate to do so. Trade is an international gain. As such, we should not be limited to a solely made-in-Canada solution.

Overall, the current Canadian strategy has been unable to provide a cohesive and functional recipe for success, particularly in my region of Atlantic Canada.

• (1650)

Are there better ways to help SMEs export? This is an area with which both the Business Development Bank of Canada and Export Development Canada continuously struggle.

Compare their result, as posted in their annual reports, to eBay. In 2013, eBay did a study on SMEs using its website and software, and it discovered that 95 per cent of eBay members were exporting their products and services around the world.

This study has provoked investigations, research and discussion by the United Nations and the World Trade Organization, calling for a global empowerment network, and yet we, as a country, have done nothing on this issue.

My dear colleagues, Canada is not alone in its struggles with regard to global commerce. More importantly, we need to have a study to assess whether the structures and strategy that we have

relied on in the past are up to the current task. If they are not, we must be prepared to advocate course corrections wherever possible without fear of vested interests, whether those interests are in the private sector or within our own civil service.

This study is not about simply sitting down with economists from the private sector, civil service and policy think tanks and then distilling synthesis. No, we will be confronting a major issue head on, actively participating and engaging today's problems and, most important of all, new ideas.

I'm going to focus on the issue of new ideas because it seems to me that, as a country, we have elected to confront the 21st century problem with 20th century solutions.

We need to challenge the policy status quo and seek a new generation of experts. We need to get out of the current rut. We need to introduce new scenarios, new frameworks and networks to truly move forward.

I am increasingly of the belief that if our economy is going to start creating jobs to employ young Canadians, then it is likely going to be an economy enabled by the policies articulated by those same young Canadians.

I don't want a Foreign Affairs study limited solely to hearing from senior civil servants proposing old and currently ineffective solutions. I am convinced that, to some extent, their unchallenged ideas are responsible for the failure by us of Canada's trade policy for the past decade.

I want to hear from young Canadian men and women who have managed to succeed in difficult circumstances, because I believe that we will be surprised by what they have to tell us. I want the Senate of Canada to engage Canadians of all ages on an issue that will define our economy for decades to come, that issue being our participation in the global economy.

My fellow colleagues, I will sum up why the Banking, Trade and Commerce Committee needs to do this study.

The first and most simple reason is that it is a relevant issue to today's commercial situation, and the Senate of Canada needs to be a relevant institution, capable of confronting tough issues to the best of its ability. We are not going to be relevant if we maintain an irrelevant separation between the committee's responsibility for commerce and the issue of international trade. Maybe it is also time that we review the name and the mandates of our committee.

The second objective is a thorough review of the reason for the situation, that being our poor export performance as a result of international competition and an emerging service economy. We must provide an understanding of how our country should move forward during this difficult process which has been faced by other countries.

May I have five minutes? I won't need five minutes.

[Translation]

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

[Senator Ringuette]

Hon. Senators: Yes.

[English]

Senator Ringuette: This process must include a comparison with international best practice as was done by the office of Senator Hervieux-Payette.

Finally, I would like to hear from individuals who have been succeeding since the 2009 recession. Tomorrow's success will not be a repeat performance of the past. As such, we should not be limited to the testimony of yesterday's heroes. If we are going to succeed, it will be from listening to today's success stories.

[Translation]

Honourable senators, do not look on this as another study, look at it as a call to action, a challenge put forward by a senator who knew when and where to act and was never afraid of taking on a challenge. If we vote this down, we will be digging in our heels, standing up for bureaucracy, useless divisions and ineffective solutions. Voting for this study will demonstrate that this chamber is an institution capable of undertaking serious and important work when required to do so by whatever situation Canadians are faced with.

In closing, I ask that the question be put to senators immediately so that they may express their support for this study.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Would the senator take a question?

[English]

Senator Ringuette: Yes, I would.

Hon. Elaine McCoy: I would like to take the adjournment in Senator Wallin's name, but I also have a question.

[Translation]

Senator Bellemare: Could Senator Ringuette explain why she did not propose an amendment to this motion? The date on the motion is April 14, 2016. Shouldn't there be an amendment to this motion to extend the deadline? For now, it has lapsed.

Senator Ringuette: I thank Senator Bellemare for the suggestion. This only highlights how slow this chamber is at responding to matters of national importance.

For nearly a month now, we keep hearing that if the Senate decides to proceed with regional representation, we will hear nothing but regional concerns. We are proposing to conduct a Canada-wide study to bring hope to our businesses, our economy, our people, and our young people, as well as new strategies for their future. This chamber does not even dare move forward in favour of such a study, which is truly vital.

Yes, the date should be changed. In this case I would like the date to be November 1, 2016, so we can stop going in circles. We must become an effective chamber and move forward.

Thank you for the question, Senator Bellemare; you have me even more convinced.

[English]

Senator McCoy: I, too, had noticed that, but I had another question as well.

• (1700)

First let me say that I think this is an extremely important issue, particularly with the changing world markets. The Banking Committee just issued an important study on bitcoins and other new forms of commerce. I know the former Bank of Canada governor, Mark Carney, is working hard to make the Bank of England the leader in that field; and I know our own Governor of the Bank of Canada is working hard and hoping, I think, to beat him at that game so that Canada is a leader in that field. All of that discussion is very much part of enhancing how we export, because not only do we export the commodities, but we also export our expertise.

Are you intending to include that sort of issue in your study?

The Hon. the Speaker: Senator Ringuette, are you asking for more time to answer that question?

Senator Ringuette: If the house agrees.

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

Hon. Senators: Agreed.

Senator Ringuette: Absolutely, because it is all part of the complex issue that Canadian SMEs, whether they deal with manufactured products or services, will have to confront — not in silos but in a very comprehensive way.

I feel deeply that this study has to be done, and I think the Senate is a good institution to do such an in-depth study and to propose solutions to governments, whether they are provincial, municipal or federal. I think we can provide a good strategy for the future of our young people.

May I also say that former Senator Hervieux-Payette brought the aspect of this study to the Banking Committee, and a few people refused. At the end of the day, I think it was based on partisan reasons, which is absolutely unacceptable. A good idea coming from whichever senator is still a good idea and should be moved forward.

(On motion of Senator McCoy, for Senator Wallin, debate adjourned.)

[Translation]

COURT CHALLENGES PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput, calling the attention of the Senate to the Program to Support Linguistic Rights, the importance of ensuring public financing of court actions that seek to create a fair and just society and to the urgent need for the federal government to re-establish the Court Challenges Program.

Hon. Ghislain Maltais: Mr. Speaker, given the hour, to speak to Senator Chaput's motion for only a few seconds would be an insult. Therefore, I will adjourn the debate in my name.

(On motion of Senator Fraser, debate adjourned.)

[English]

THE SENATE

MOTION TO INVITE THE GOVERNMENT TO MARK THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF CONFEDERATION BY STRIKING A COMMEMORATIVE MEDAL TO RECOGNIZE THE INESTIMABLE CONTRIBUTION MADE BY ABORIGINAL PEOPLES TO THE EMERGENCE OF A BETTER CANADA—
DEBATE ADJOURNED

Hon. Serge Joyal, pursuant to notice of March 10, 2016, moved:

The Senate invite the Government of Canada to mark the 150th anniversary of Confederation by striking a commemorative medal which, with the traditional symbols of Canada, would recognize the inestimable contribution made by aboriginal peoples to the emergence of a better Canada; and

That this medal be distributed, among others, to those persons who contributed to improving the living conditions of all Canadians in a significant manner over the last 50 years.

He said: Honourable senators, the subject of this motion involves a recommendation of the Truth and Reconciliation Commission report, recommendation 68. The motion calls for an initiative to mark the one hundred and fiftieth anniversary of Confederation that would recognize the significant contribution of the Aboriginal people.

Honourable senators, I would like to continue my arguments in support of that motion when our colleague who was the chair of that commission is in attendance. Therefore, I ask that the rest of

my presentation be moved to another date when that opportunity will arise in the chamber.

(On motion of Senator Joyal, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE ISSUE OF DEMENTIA IN OUR SOCIETY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of October 25, 2016, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the issue of dementia in our society between November 10 and November 17, 2016, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, this is a request that the Standing Senate Committee on Social Affairs, Science and Technology be authorized to release its forthcoming report on dementia as per the new process that we have in place with our Communications Directorate. It would exactly parallel what we did with our very well received report on obesity.

Hon. Pierrette Ringuette: Senator Ogilvie, would you answer a few questions for me?

Senator Ogilvie: Yes.

Senator Ringuette: Thank you.

Are you also asking permission to provide copies of these reports in an embargo state? I've seen a memo from Senate Communications to committee chairs and deputy chairs that embargo copies should be given to the media before they are provided to senators in the proper way.

Senator Ogilvie: It is my understanding that our intention is that we would provide a copy to the Senate at the same time that the press conference is held to discuss with the press the nature of our report, and they would not be provided with copies prior to our press conference.

Senator Ringuette: We will not be sitting that week, but we will be back in the Senate Chamber the week afterwards, so what is the urgency? Why not wait until the senators are here and able to access the report in the conventional way? I'm sorry, but I find that, yes, in the past the Senate was somewhat lacking in communication skills. However, communication of the work we do should not dictate the parliamentary privilege that a senator has.

Therefore, I'm asking you, Senator Ogilvie, as chair of this very important committee, with this very important report, to take into consideration what I'm saying. We're starting on a path that

I find somewhat dangerous. We seem to be having more and more reports tabled within a week. I would understand that if you were tabling a report at the end of July or early August and the committee had been working in July, when the Senate is not sitting for a considerable amount of time. However, that is not the case. I am asking, please, for your consideration of the fact that we need to not set a precedent that communication of Senate work comes at the expense of our privilege as senators and the hard work that your committee has done. Thank you.

Senator Ogilvie: Thank you, senator. That is an extremely important point. I can tell you that it is my hope that the date chosen will be November 15, a Tuesday that the Senate will be sitting, and that we would simply do this in the morning to get the press coverage and introduce it into the chamber at the same time.

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

Some Hon. Senators: Question.

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

(Motion agreed to).

(The Senate adjourned until Tuesday, November 1, 2016, at 2 p.m.)

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