



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, November 22, 2016

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Tuesday, November 22, 2016

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

Prayers.

### SENATORS' STATEMENTS

#### POLICY DISCUSSIONS AND LEGISLATIVE PROCESS

**Hon. Donald Neil Plett:** Colleagues, last week Bill C-16, gender identity and gender expression, passed third reading in the other place without a recorded vote. This came on the heels of the Justice Committee refusing to hear from witnesses on this legislation. That's right, colleagues, no public hearings.

We should be so confident in the legislation that we bring forward, and certainly in the legislation we pass, that we are willing to have it withstand a thorough and rigorous vetting process.

Political correctness authoritarians have narrowed the scope of acceptable thought and discourse in academia and, by extension, the general public. However, we as legislators and public policy-makers should not be afraid of the difficult conversations. In fact, it is outrageous and irresponsible to do so. Legislation that has serious implications on freedom of speech — and, for the first time in Canadian law, compelled speech — cannot be passed so flippantly without thorough public discourse, debate and consideration.

I want to challenge my colleagues in the Senate Chamber to give this legislation its due diligence. As University of Toronto Professor Jordan Peterson said recently on this issue, we need to decide that speaking and acting in truth is imperative. Once we decide that we will not engage in manipulation of facts, regardless of the results, if it is based on telling the truth, that is always the best possible outcome.

I challenge my colleagues not to be silenced by the baseless character assassination, not to be silenced by those who want to throw out labels of bigotry and new phobias dreamt up every other week in social science departments in order to silence dissent.

Those who find this legislation to have some merit but are afraid to speak in its favour because they find the topic "difficult," and those who behind closed doors are vehemently opposed to this legislation but are not willing to speak to it publicly, please, by all means, let your voices be heard.

We are the chamber of sober second thought. We are legislators and policy-makers. It is our duty to look at fact, at science and at truth. A difficult and controversial topic with profound consequences should not generate less debate; it should generate more debate.

I want to ensure all of the outraged individuals who have emailed and called our office that the Senate will do a better job. When the House of Commons puts its electoral viability ahead of

difficult conversations about policy, it has failed. Colleagues, let's not fall into the same trap. Let's have the difficult conversations. Let's do our jobs. We owe it to Canadians.

### LANIER W. PHILLIPS, O.N.L.

**Hon. Fabian Manning:** Honourable senators, today I am pleased to present Chapter 5 of "Telling Our Story."

Fellow senators, it was a fierce winter night on February 18, 1942, when two large American destroyers, the *Wilkes* and the *Truxtun*, along with the supply ship *Pollux*, were on their way to the Argentia naval base on the island of Newfoundland. They went off course and smashed onto the rocks at Lawn Point and Chambers Cove in a region known as the Burin Peninsula.

The *Truxtun* and the *Pollux* were a total loss. Two hundred and three officers and crew lost their lives. Their life jackets, which were not equipped with crotch straps, slid off on impact with the water.

As the heavy winter winds battered the ice-covered coastline, the brave residents of the nearby towns of St. Lawrence and Lawn managed the daunting task of rescuing 186 survivors. At this time almost 75 years ago, the United States Navy was segregated. Of the 46 survivors from the USS *Truxtun*, one man was Black. When Lanier Phillips, Navy Mess Attendant, was rescued by the residents of St. Lawrence, they treated him with the same respect and dignity as they treated the White survivors. Mr. Phillips woke up in a room surrounded by a group of White women who were bathing him because many of the rescued sailors had jumped into the cold ocean waters covered with a layer of heavy black Bunker C oil, which then coated the men. All were in need of cleaning. Phillips noted that if he had woken up in his home state of Georgia, U.S.A., naked and surrounded by White women, he would have been lynched, and the women branded and run out of town.

One of the women helping with the rescue had never before seen an African American and was puzzled that the crude oil seemed to have soaked his skin to the point of colouring it. She was determined to scrub it off, and Phillips had to tell her, "No, ma'am; that's the colour of my skin." Phillips later found himself sitting at the family table, using the same china cups and plates that the family used, and he was dazed and appalled to find himself in one of the family beds, looked after by the lady of the house, who didn't seem to be afraid of being in the same room with a Black man. He said he didn't sleep all night because it terrified him.

This experience in St. Lawrence galvanized the navy mess attendant to fight racial discrimination with the U.S. Navy. He later became the U.S. Navy's first Black sonar technician. After completing a 20-year career in the navy, Lanier Phillips joined the exploration team of Jacques Cousteau. He helped find and uncover a sunken atomic bomb, became active in the civil rights movement and travelled the world speaking to young men and women in the U.S. military about the destructiveness of bigotry and racism.

Dr. Lanier Phillips received an Honorary Doctor of Laws degree on May 31, 2008, from Memorial University in Newfoundland. The university cited what it called “his resistance to and capacity to rise above repression.” In 2011, Phillips was given honorary membership into the Order of Newfoundland and Labrador for his work in civil rights in the United States. Mr. Phillips died on March 12, 2012, at the Armed Forces Retirement Home in Gulfport, Mississippi.

For anyone interested in learning more details about this important aspect of Newfoundland history, I would recommend reading *Oil and Water*, a play by Robert Chafe; and *Standing into Danger*, written by one of Newfoundland’s greatest authors, Cassie Brown.

My fellow senators, it is stories such as this that make me proud every day to say I come from Newfoundland and Labrador, and it’s part of the reason that I will continue “Telling Our Story.”

### 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 a youth delegation for juvenile diabetes and Kids for a Cure Lobby Day on Parliament Hill.

Joining us from Manitoba are Ms. Anabella Prasad and her mother, Ms. Krystal Park, and father, Mr. Ben Prasad; and from Yukon, Mr. Cole Byers and his mother, Ms. Marilee Byers. They are the guests of the Honourable Senator Lang.

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

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

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[Translation]

• (1410)

## ROUTINE PROCEEDINGS

### TREASURY BOARD

#### 2015-16 DEPARTMENTAL PERFORMANCE REPORTS TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Departmental Performance Reports for 2015-16, contained in these two boxes.

[English]

### PUBLIC SERVICE COMMISSION

#### 2015-16 ANNUAL REPORT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2015-16 Annual Report of the Public Service Commission of Canada.

### CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

(Bill read first time.)

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

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

### TOBACCO ACT NON-SMOKERS’ HEALTH ACT

#### BILL TO AMEND—FIRST READING

**Hon. Peter Harder (Government Representative in the Senate)** introduced Bill S-5, An Act to amend the Tobacco Act and the Non-smokers’ Health Act and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

[Translation]

### CANADA EVIDENCE ACT CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**Hon. Claude Carignan (Leader of the Opposition)** introduced Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources).

(Bill read first time.)

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

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

[English]

## TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Michael L. MacDonald:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the development of a strategy to facilitate the transport of crude oil to eastern Canadian refineries and to ports on the East and West coasts of Canada between December 7 and December 15, 2016, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

[Translation]

## AGRICULTURE AND FORESTRY

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

**Hon. Ghislain Maltais:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, November 29, 2016, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[English]

## LEGAL AND CONSTITUTIONAL AFFAIRS

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

**Hon. Bob Runciman:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Tuesday, November 29, 2016, even though the Senate may then be

sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

[Translation]

## QUESTION PERIOD

### NATIONAL DEFENCE

#### AIRCRAFT PROCUREMENT

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate, and it is about the purchase of fighter jets for the Royal Canadian Air Force.

During the election campaign, the Liberals said that they would not buy F-35 stealth fighter-bombers and made this promise in their platform:

We will also launch an open and transparent competition to replace the CF-18 fighter aircraft . . .

This afternoon, the government broke what was an unequivocal election promise when it announced that it will explore the acquisition of 18 Boeing Super Hornets. It did not say when the tendering process is set to begin, but it will be during the government's current term and it will take five years.

Can the Leader of the Government tell us about the costs associated with acquiring the 18 Boeing Super Hornets?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. The acquisition of military aircraft, including the replacement for the F-16, is actively under review. The government has made it clear that it is looking at all of the options available, and the final decision will be made in the context of the defence review, which the minister is conducting, to ensure that the aircraft and, indeed, other military equipment, as we re-equip our Armed Forces, is consistent with the defence posture and policy of the Government of Canada.

[Translation]

**Senator Carignan:** Mr. Leader, why did the government not mention the cost in today's announcement? Would you agree with me that this interim purchase at this stage of the process could give an unfair advantage to a particular supplier?

[English]

**Senator Harder:** The ministers responsible are undertaking a very transparent process of reviewing all of the options and will in due course be making a final decision, and with that decision will

come, obviously, a more detailed explanation of why the choice and obviously the costs of the choice at the time.

### PRIME MINISTER'S OFFICE

#### LIBERAL PARTY FUNDRAISING DINNER— TRUDEAU FOUNDATION

**Hon. Leo Housakos:** My question is for the Leader of the Government in the Senate.

Senator Harder, this morning I was extremely troubled by a story in *The Globe and Mail* describing the Prime Minister's appearance at a \$1,500 per person cash for access fundraiser held at a private home of a Canadian-Chinese businessman in Toronto earlier this year.

At this fundraiser was Mr. Shenglin Xian, the founder of the Wealth One Bank of Canada. At the time, Wealth One was awaiting approval from federal regulators to begin operating in Canada as a schedule 1 or domestic bank rather than a foreign bank. Weeks later that approval was granted. Under the Prime Minister's own rules in his so-called "open and transparent government," he said there would be no preferential access or appearance of preferential access in exchange for political donations. Liberal Party rules also require banning people from these types of events if they have direct business interests before the government. In this case, however, we would agree, colleagues, that it would appear there was preferential access, and people who had cash had that access to the Prime Minister.

• (1420)

Senator Harder, is Prime Minister Trudeau using the Government of Canada as leverage for donations for the Liberal Party of Canada?

**Hon. Peter Harder (Government Representative in the Senate):** The direct answer to the question being posed is "no."

**Senator Housakos:** Senator Harder, another guest at this cash-for-access fundraiser was a wealthy man named Mr. Zhang Bin. Mr. Zhang is a political advisor to the Chinese government in Beijing and a high-ranking official in the network of Chinese state promotional activities around the world. As a foreign citizen, Mr. Zhang cannot make political donations here in Canada. However, just weeks after this event, Mr. Zhang and a partner made a \$1 million donation to the University of Montreal, particularly to the Pierre Elliott Trudeau Foundation, including \$200,000 directly to the Pierre Elliott Trudeau Foundation and \$50,000 to pay for a statue for the Prime Minister's father.

Senator Harder, if Prime Minister Trudeau is not leveraging the Government of Canada for money for the Liberal Party, it seems like he is certainly leveraging the Government of Canada for the Pierre Elliott Trudeau Foundation.

**Senator Harder:** The Pierre Elliott Trudeau Foundation, as honourable senators will know, is a foundation established by a broad representative group of Canadians many years ago. It has had the distinction of having on its board members from a wide variety of political experiences, and it has had mentors in the program from a wide variety of political experiences.

I think it's a celebration of the contribution made by the former prime minister that people of all stripes would come forward to endow an organization to look at, research and promote investigative studies in a broad range of subjects that are important to Canada.

With respect to the implied question of the honourable senator, I would be happy to take notice of the question.

### ENVIRONMENT AND CLIMATE CHANGE

#### CLOSURE OF COAL-FIRED FACILITIES

**Hon. Daniel Lang:** Colleagues, I'd like to draw your attention to another serious issue that's affecting, in good part, Western Canada. That issue is the question of the closure of the coal-powered stations, primarily in Alberta, British Columbia, Saskatchewan and Nova Scotia. The decision is going to have long-term social and economic impacts, especially to rural Canada and those rural communities that are located in Alberta.

I would like to know from the government leader, before the government made the decision, did the government conduct an impact assessment of the effects of this decision, especially on the consumers who will now have to find alternate generation facilities for the purposes of providing energy, which will cause their bills to probably be affected, as well as on the numbers of jobs and other social implications to that decision? If they did not conduct an impact study, could you tell us why?

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

The announcement made by the Minister of the Environment and Climate Change follows through on a long-standing series of both conversations and commitments made by the Government of Canada to build on provincial programs with respect to accelerating coal phase-out. The 2030 date of the announcement parallels, by the way, the commitment made by the Government of Alberta.

The smog from coal-fired plans, as honourable senators will know, can lead to asthma and other respiratory issues for young people as well as seniors. The phase-out of coal-fired electricity-producing facilities is the equivalent of taking out about 1.3 million cars and is therefore a significant piece of Canada's overall commitment to addressing climate change.

You will note by the 2030 date that there is significant advanced time for provinces, which are also part of this solution, of course, to put in place a range of alternatives. They are busy doing that and they have been doing it for some time. The government is committed to working with the provinces and territories so there can be win-win solutions, not only for the environment but also for taxpayers, workers and their families.

**Senator Lang:** Just a follow-up on that, colleagues. This is a very important issue, affecting a large number of people. The employees directly and indirectly affected number well over 40,000 Canadians with families, who are looking at the prospects of losing their jobs and maybe losing their homes.

What message can you convey to them to give them the assurances that they're going to be able to continue to meet their

day-to-day obligations as opposed to the government telling them they're going to be there to help them?

**Senator Harder:** The answer to the absolutely important question is that we now have the time frame in which provinces and territories can work with the Government of Canada in identifying solutions. Those solutions can be a wide range of innovative technologies. They can also be ensuring that there are energy efficiencies, smart grids and affordable renewable energy as well as equivalency agreements so they can be tailored to specific jurisdictions as we transition from coal dependency to coal-free energy sources.

This is a policy statement that is forward-looking and fully compliant with the commitments Canada has made with respect to greenhouse gas reductions and our commitments for climate change.

**Hon. Larry W. Campbell:** Honourable senators, I have a question for the Government Representative.

Senator Harder, are you aware of any coal-fired plants in British Columbia? I'm just trying to make a correction here.

**Senator Harder:** I believe British Columbia is the one jurisdiction that already is independent of coal-fired generators.

**Senator Campbell:** That's correct; there are no coal-fired generators in British Columbia. Thank you.

## NATIONAL DEFENCE

### AIRCRAFT PROCUREMENT

**Hon. Pamela Wallin:** Honourable senators, I also have a question for the Government Representative. I realize the announcement on the F-35s and the Hornets was just moments ago so you may not have been briefed on this, but does the Government of Canada still consider itself a member of the F-35 consortium? If so, will they be making the regular payments to keep that membership active and alive?

Was there any comment on the implications for the thousands of jobs at hundreds of companies across this country that are suppliers to the F-35 project? Was there any consideration or comment for them today?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. As the premise of her question suggests, I need to take notice of the question so I can answer it fully.

## RULES, PROCEDURES AND RIGHTS OF PARLIAMENT

### BUSINESS OF COMMITTEE

**Hon. Elaine McCoy:** Honourable senators, my question is for Senator Fraser in her capacity as Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament.

As you know, we independent senators have been frequently encouraging our colleagues to move forward on the very simple change to the Rules that would allow us to officially substitute one another on committees so that we can participate at all times as we are appointed and assigned to these very important committees. As a quirk of our Rules at the moment, that's not possible.

We have spoken to this at great length. We had hoped change would come through the Rules Committee — and Internal Economy, for that matter — by November 30. It has not been referred yet, I don't think. Today is November 22.

We did ask that question of you the other day, Senator Fraser, but I want to draw your attention to the record of the Senate — we happened to be reviewing it — when Senator Joyal said on February 4:

The Rules Committee, where I sit and which was chaired by our colleague Senator Fraser, this week considered reflecting on and studying the amendments to the Rules to allow participation of independents in the general work of the committee —

Last week, as you were clarifying for us in your usual wise and judicious fashion, you said:

In terms of the Rules Committee, the Rules Committee is waiting impatiently to have some of the items referred to it and will be very pleased to address them as soon as we can.

So February to November.

• (1430)

We do have a couple of other items on our agenda, you said. But, believe me, every member of the Rules Committee is aware, and we know that this will be the big task that we face. And again, I hope we face it sooner rather later.

Senator Fraser, could you clarify for us, please, which one of these is your position?

**Hon. Joan Fraser:** My personal position is as I outlined it last week. Since February, we have had the work of the Modernization Committee. The Rules Committee did not wish to pre-empt the work of the Modernization Committee. I think that was an appropriate stance for us to take.

Now we have before us the report of the Modernization Committee and the sub reports that have been carved out of it which include very explicit language which would direct the Rules Committee to do certain things. I tried to explain last week that if the Senate could handle these matters without undue delay, that would be desirable, but that I hesitated to pre-empt any decisions the Senate might make because of the extremely unusual form of those motions which would become orders of the Senate for the Rules Committee to do a number of things. This is an unusual way to go about changes in the Rules, and I thought and think that it would be helpful if some of that language could be adjusted.



In light of that very strong peremptory language, it would be very helpful if we could hear from more senators so that the Rules Committee could have a sense of the Senate as we begin our work.

I do not wish to delay implementation of anything, but it's very important that we handle these matters in terms of specific rule changes with great caution. Those of us who have been here for longer than two weeks all understand that once a rule exists in the Senate, changing it is very difficult. You really want to do your best to make sure that the rule change you bring in is the right one and to minimize unintended consequences.

Meanwhile, there are some other elements that could be brought into play to experiment with different systems before we actually formally change the rules. That might indeed be a useful way to go.

**Senator McCoy:** I am delighted that you are expressing and encouraging all of us. I would hope that those who have any remaining comments would bring them forward and we could deal in particular with recommendations 7 and 8 of the Modernization Committee, or some facsimile thereof.

I want to confirm, though, that in February the Rules Committee or a subcommittee or its staff did not do any pre-study. If so, we would love to take advantage of whatever efforts you put forward starting in February. Can you confirm that?

**Senator Fraser:** I need to go back and triple check the record on this, but my clear recollection is that although we discussed the need to adjust the Rules in order to adjust to the changing dynamic, we discussed it in terms of future work of the committee, that general heading that is so often used, and we did not proceed to an actual study because the Modernization Committee was starting to get underway. As I said in my earlier response to you, it seemed appropriate to await the outcome of that committee's work.

## FOREIGN AFFAIRS

### DIPLOMATIC RELATIONS WITH IRAN

**Hon. Linda Frum:** My question is for the Leader of the Government in the Senate.

Leader, earlier this month when Foreign Affairs Minister Stéphane Dion met in Toronto with a group of 60 Iranian-Canadians to hear their views about re-engagement with Iran, the meeting was carefully stacked with pro-regime advocates rather than a representative sample of Iranian-Canadians. Iranian-Canadians include some of the most tragic victims of the Ayatollah's regime and their grim record of global terrorism and domestic repression.

My question to you, leader, which I hope you'll pass on to the minister, is this: Before he proceeds to re-open diplomatic ties with Iran, will the minister consult with the family of Zahra Kazemi, the Canadian woman tortured and murdered in Evin Prison in 2003? Will the minister consult with the Alberta-based sister of Canadian resident Saeed Malekpour who has languished in Evin Prison since 2008 on trumped up charges? Will the minister consult with the 30,000 Syrian refugees who have sought asylum in Canada who have lost everything they love and

possessed to Iran's proxy war against the Syrian people? Will the Minister consult with the Toronto family of Howie Rothman, the Canadian rabbi murdered by an Iranian-sponsored terrorist with an axe blow to the head?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question and for her ongoing work in this chamber and outside the chamber on bringing to our attention human rights issues in Iran as was done with the motion earlier this fall.

I will take her question as a representation and bring it to the minister's attention. But I would, in doing so, emphasize to all senators that according diplomatic relations to a country is not an endorsement of a country's human rights record or other policies. In fact, it is a way of engaging a country on a wide range of issues, including issues in which there are differences of views and differences of treatment of human rights. That was one of the advantages, frankly, that Canada enjoyed in Iran until the previous government withdrew diplomatic relations.

I know this because of my time in the Department of Foreign Affairs, and frankly in my discussions with our colleagues in the United States who themselves benefited from the presence of Canadian diplomats in Iran in terms of their understanding of the government of Iran and as we sought with our allies to manage some of the difficult issues that are brought to us through the various engagements of the Government of Iran on global issues.

**Senator Frum:** Leader, can I also challenge the government to read closely the UN General Assembly Resolution on Human Rights in Iran that Minister Dion welcomed last week. I am troubled by the unprecedented amount of praise for the Iranian regime contained in this resolution. This flies in the face of the fact that Iran continues to be among the worst perpetrators of human rights violations in the world.

Why did Minister Dion not condemn the UN for this undeserved praise for Iran's human rights' record in the recent UN resolution?

**Senator Harder:** Again, I thank the honourable senator for her question. The comments made by the foreign minister stand on their own merits. I, of course, will, as I indicated earlier, bring to the minister's attention the concerns expressed by the honourable senator.

I again want to repeat that engaging with the Government of Iran is an enlightened policy of the government to ensure we are actively involved with and able to communicate our concerns with the Government of Iran, are able to promote Canadian interests in our engagement with Iran, and are working with our allies who have been so engaged with the nuclear issue in Iran that Canada can participate with our allies in appropriate consultations and strategies.

## FINANCE

### FISCAL PROJECTIONS—PARLIAMENTARY BUDGET OFFICER

**Hon. Tobias C. Enverga:** My question is for the Leader of the Government in the Senate. It concerns a report released last week by the Parliamentary Budget Officer which looked at Minister

Morneau's Fall Economic Statement. Page 2 of the PBO report states:

Despite the commitments made by the Government in Budget 2016 to achieving federal debt-to-GDP and balanced-budget targets, the *Statement* does not explicitly mention these targets, nor does it set a timeline for balancing the budget.

• (1440)

The PBO then invited parliamentarians to seek clarity from the government on the status of its fiscal targets and commitments.

We know that the government is running higher deficits than it promised during the last federal election. The economic statement adds a further \$31.8 billion more than planned over the next five years.

Could the Leader of the Government in the Senate tell us if this Liberal government has a plan to return to balance?

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

Minister Morneau and the Government of Canada have been very clear regarding their fiscal priorities in the first budget and in subsequent statements, including the most recent economic update.

The view of the Government of Canada is that we are in a period where deficit spending is entirely the appropriate economic response. The minister has spoken of the need to focus on the debt-to-GDP ratio, which, as a number of economists would recommend, is a much better target to render judgment on the fiscal management of the country.

Budgets are here to serve Canadians, and the budget that the government presented not only won approval in an election a little over a year ago but also has won approval from a number of economists as the government has sought to implement the strategy of making significant investments in infrastructure, both physical and social, and other measures that respond to the economic circumstances which we face.

**Senator Enverga:** The PBO report also noted that following a recommendation from the Auditor General of Canada in 2012, the Department of Finance published annual long-term economic and fiscal projections for the federal government. Publishing long-term projections holds the government to account for the long-term impact of its budget choices. However, this reporting has not occurred under the current Liberal government.

Could the Leader of the Government in the Senate tell us why the Liberal government has stopped publishing these long-term projections?

**Senator Harder:** I think it's rather ironic that the PBO, which this government has secured in terms of its independence and assuring its efficacy as it does its work, is also subject to the appropriate criticism or comment from an independent Parliamentary Budget Office. They will have their views that

from time to time will be critical of the government, as they are independent and reflect perspectives that are part of the public policy debate. I think it's entirely appropriate for this house and other Canadians to take the PBO's comments and other comments, including those of the department, as part of the debate on Canada's fiscal policy.

It is the Government of Canada's view that it is pursuing the right fiscal policy and establishing the right metrics for determining its success in fiscal administration, and, as I say, those are debt-to-GDP ratios.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### ELECTRONIC TRAVEL AUTHORIZATION

**Hon. A. Raynell Andreychuk:** Senator Harder, I didn't alert you before that I would be asking you a question.

The Government of Canada has introduced a new entry requirement known as the Electronic Travel Authorization, or eTA, as we're coming to call it, that applies to visa-exempt foreign nationals travelling to or transiting Canada by air, not sea or otherwise.

Among those exempted from this requirement will be U.S. citizens and travellers with a valid visa. U.S. permanent residents and green card holders require an eTA. Dual citizens with a Canadian passport must present their Canadian passport when exiting and entering the country, as they are not eligible to apply for an eTA. I understand that entry requirements for travellers arriving by sea and land are not affected by this.

I'm wondering how the government is going to translate this to all of those travellers. We are encouraging tourists to come into the country. I know that travel agents have been alerted about this change, but it is very confusing when you get into dual citizenship, green card holders, et cetera.

I have not heard much about this. I'm wondering whether we really need to turn back people at the border, because that's what will start to happen. By "border," I mean they're going to be trying to get onto the plane, and they won't be able to because they haven't complied with this eTA.

There is a way, and you have to go onto the website. You have to pay \$7 and you have to give a credit card and an email address. This gets very complicated, and we know we've had problems before at borders.

We know we have to have valid issues, and an eTA is one way of ensuring that the right people get into Canada. On the other hand, we have tourism, and we have an economy that's not flourishing in the way that we would want it to.

How is this message going to get across, beyond travel agents, to all those who wish to come to Canada and who don't have a visa or who are U.S. citizens?

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

Obviously, my response cannot adequately describe all of what is being put in place. As recently as last weekend I dealt with a constituent in a situation, much like you're referencing, with dual nationality. That was resolved by the application of some common sense.

You're absolutely right that the policy has been articulated, has been announced and has been somewhat publicized, but people don't tend to read the documentation that they require until they are confronted with the lack of documentation.

I don't think the \$7 charge would be a barrier to someone sitting in LaGuardia wanting to board their plane.

I want to emphasize that what the Government of Canada is doing is implementing better control systems, which I think all of us would agree is entirely appropriate at a time when the awareness of those control systems is not as broadly held as one would wish.

I will, as a result of the question and my own experience, inquire as to how the government is creating a broader awareness of the new requirements so that there is greater compliance and less travel conflict, travel resistance, in the system, but I think we would all agree that it is an appropriate policy step for the government to have initiated this control.

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[Translation]

## ORDERS OF THE DAY

### BUDGET IMPLEMENTATION BILL, 2016, NO. 2

#### MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of November 17, 2016, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures, introduced in the House of Commons on October 25, 2016, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-29 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-29 in advance of it coming before the Senate:
  - (a) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 1 and 2 of Part 4; and
  - (b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 3, 4, 5, 6 and 7 of Part 4;
2. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-29 be authorized to meet for the purposes of their studies of those elements even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;
3. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-29 submit their final reports to the Senate no later than December 6, 2016;
4. As the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-29 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and
5. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point four into consideration during its study of the subject matter of all of Bill C-29.

She said: Honourable senators, this is the motion on Bill C-29 pertaining to the suggestion that I made last week that the study of this bill be divided between the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Social Affairs, Science and Technology.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE SENATE

#### MOTION TO AFFECT QUESTION PERIOD ON NOVEMBER 23, 2016, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of November 17, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding

rule 4-7, when the Senate sits on Wednesday, November 23, 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: Honourable senators, we will have the honour of receiving Minister Jane Philpott tomorrow afternoon.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1450)

[English]

## ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

### BILL TO AMEND—SECOND READING— VOTE DEFERRED

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. Wilfred P. Moore:** Honourable senators, I wish to speak again on this bill and exercise my right to final reply.

**The Hon. the Speaker:** Honourable senators, I would like to inform colleagues that should Senator Moore speak a second time, it will have the effect of ending debate on this matter. If anybody else would like to speak, the matter will have to stay adjourned, or they can speak now.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** It is adjourned in Senator Tannas's name, but since Senator Moore has risen, I will take the adjournment in my name.

**The Hon. the Speaker:** It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned until the next sitting of the Senate.

[ Senator Bellemare ]

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Do we have an agreement on time? Thirty minutes? Fifteen minutes? Senators Bellemare and Plett, do we have an agreement on time?

**Senator Plett:** An hour.

**The Hon. the Speaker:** Colleagues will know that anything less than an hour will require leave. I don't sense that leave will be given, so we will stand adjourned for one hour. The vote will be called at 3:52.

Call in the senators.

• (1550)

Motion negated on the following division:

## YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Beyak  
Boisvenu  
Carignan  
Dagenais  
Doyle  
Eaton  
Enverga  
Frum  
Housakos  
Lang  
MacDonald  
Maltais  
Manning  
Marshall

Martin  
McInnis  
McIntyre  
Mockler  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Plett  
Poirier  
Raine  
Seidman  
Smith  
Stewart Olsen  
Tannas  
Wells—34

## NAYS THE HONOURABLE SENATORS

Baker  
Bellemare  
Black

Massicotte  
McCoy  
Mercer

|                   |            |
|-------------------|------------|
| Boniface          | Merchant   |
| Bovey             | Meredith   |
| Brazeau           | Mitchell   |
| Cools             | Moncion    |
| Cormier           | Moore      |
| Dean              | Munson     |
| Downe             | Nancy Ruth |
| Duffy             | Omidvar    |
| Dyck              | Pate       |
| Eggleton          | Petitclerc |
| Fraser            | Pratte     |
| Gagné             | Ringuette  |
| Griffin           | Sibbeston  |
| Harder            | Tardif     |
| Hartling          | Wallace    |
| Hubley            | Wallin     |
| Joyal             | Watt       |
| Lankin            | Wetston    |
| Lovelace Nicholas | Woo—45     |
| Marwah            |            |

**ABSTENTIONS  
THE HONOURABLE SENATORS**

|          |            |
|----------|------------|
| Campbell | Runciman—3 |
| Greene   |            |

• (1600)

**The Hon. the Speaker:** Resuming debate on Bill S-203.

**Hon. Scott Tannas:** Thank you, Your Honour.

First of all, I'd like to thank Senator Moore for bringing this bill forward. I have never met anyone with as big a heart as Senator Moore. I've had plenty of chance in my three and a half years to observe him in action, particularly on the Aboriginal Peoples Committee, and I know of his genuine caring.

I've read the senator's speech and some of the responses, including the critic, Senator Plett. My office has conducted independent research on the matter, including talking to scientists and researchers. Based on everything I have come to understand, my view is that there is not enough concrete, scientific evidence to justify the premise of this bill, to claim that this is a major issue in Canadian aquariums. It certainly is a lively and emotional debate in the United States about the conduct and care of these animals and in various facilities in other countries, but not here in Canada.

Over the course of our research, we have communicated with representatives from the Vancouver Aquarium and Marineland about the activities that take place at these facilities, and I believe that there would be much to lose.

The Vancouver Aquarium is the only marine rescue facility in Canada. John Nightingale, the President and CEO of Vancouver Aquarium told us:

While Senator Moore claims Bill S-203 will not impact cetacean research, the fact is, it will. In Canada, there are two accredited institutions where scientists from

around-the-world may study cetaceans in a safe and controlled environment. Phasing out whales and dolphins will also phase out future cetacean research. Research depends on a systemic process that cannot rely on a haphazard availability of rescued animals. . . . The Vancouver Aquarium Marine Science Centre is the only rescue centre in Canada that currently cares for non-releasable whales and dolphins. . . .

The goal of the Rescue Centre is to rehabilitate and release those rescued marine mammals as quickly as possible. The rare occasion when a whale or dolphin is deemed non-releasable, due to its inability to survive in the wild, may not again present itself in the future. Further, the endangered beluga whale population in the St. Lawrence Estuary is annually decreasing. The rescue of a stranded beluga whale has never been attempted in Canada and we risk the eventual elimination of beluga whale research once the current beluga population in professional care reaches its natural end of life. Without the ability to professionally care for whales and dolphins, Canada's only first responders will gradually lose ground on a unique skillset that requires daily, hands-on experience with the same animals they are asked to save.

The Vancouver Aquarium is not-for-profit. It has a board of directors and is chaired by eminent people from Vancouver, British Columbia, and indeed from Canada. This is not a for-profit corporation, and you've just heard a serious quote from the person at the top of that organization.

I also received a letter that supports and acknowledges the importance of marine mammal facilities and research conducted at these facilities from the Alliance of Marine Mammal Parks & Aquariums, an international association representing professional organizations dedicated to the highest standards of care for marine mammals and to their conservation. This letter is signed by over 80 qualified scientists who work with marine mammals in marine facilities all over the world.

Marineland conducts a diving-with-disabled program where upwards of 4,000 disabled special needs children come to the park every year. There are also many requests by the Make-A-Wish foundation for children who want to see whales and dolphins. Marineland makes that possible every single year. Hundreds of children's school groups come as part of their programs every year, and they learn about conservation and preservation, and experience actually viewing these animals for the very first time.

• (1610)

Dr. Michael Noonan runs a college program in his mammalogy course that brings hundreds of students to the Marineland aquarium to do research. This is an invaluable experience. Dr. Noonan's students also perform outreach during the summer to promote conservation to the public.

Many scientists, colleagues, are inspired to pursue a career working with marine mammals from attending aquariums. For example, Julie van der Hoop is a marine mammalogist whose love for aquatic life began as a child. At the Vancouver Aquarium, she would gaze at beluga whales for hours and visit her favourite killer whale every month.

In high school, Julie worked at the Vancouver Aquarium and gained valuable experience to pursue her career goals. She said:

I was there not only to learn and share, but to inspire and be inspired by the diversity of visitors I encountered.

During university, I kept volunteering during my summers at home. I helped research sustainable fisheries for the Aquarium's Ocean Wise program and helped to bring the program eastward across Canada. I put in overnight hours as a beluga observer during Qila's first pregnancy. I continued to interact with guests in the galleries and began to meet with board members as I assisted with the annual fundraising gala, *Night at the Aquarium*. I volunteered my time over many days and more than a few nights, but in return I gained experience, knowledge, and community.

Dr. Martin Haulena is Vancouver Aquarium's head veterinarian, who is recognized for his high standards of veterinary care and for his work rescuing marine mammals around the world. Dr. Haulena said:

It was during a family vacation to Florida when I was age nine that I first came face-to-face with a dolphin. It was at an aquarium and it was a moment that would shape the course of my life.

I know it is common for people to want to be marine biologists or veterinarians when they are little. I never really grew out of that. I have dedicated my life to caring not only for animals in aquariums, but for their wild counterparts and the environment in which they live. I have been extremely fortunate to be a veterinarian actively working with marine mammals in a wide variety of capacities for more than 20 years.

It's not hard, colleagues, to find examples of scientists whose interest was first piqued at an aquarium. Canada has modern, internationally recognized standards of marine mammal medical care and marine mammal enrichment. I believe we should trust the experts to conduct proper scientific inquiries and make sound judgments based on their expertise.

I don't want to quarrel about the *Blackfish* documentary. It has nothing to do with Canada. I don't want to argue about anything that is going on in the U.S. We don't make laws in Canada to respond to problems in the United States.

Notwithstanding Senator Moore's good intentions, I am not inclined to support this bill. In fact, colleagues, there is an additional issue for me, and that is whether or not we should expend committee time to study this issue.

#### MOTION IN AMENDMENT

**Hon. Scott Tannas:** Therefore, I propose the following:

That Bill S-203 be not now read a second time but that it be read a second time this day six months hence.

**The Hon. the Speaker:** It is moved by the Honourable Senator Tannas, seconded by the Honourable Senator Batters, that

Bill S-203 be not now read a second time but that it be read a second time this day six months hence.

On debate, Senator McCoy.

**Hon. Elaine McCoy:** First, I want to thank Senator Tannas for bringing his speech forward today. We've been waiting for this speech for some time. I'm delighted that he brought it forward, knowing how eager some of us are to proceed with this bill.

We need to explain a couple of things for all of us to understand today. Let me start with the nature of the motion. I would invite those of you who know the Rules better than I do to please add your commentary and elucidate the nature of the motion that was just put on the floor.

It's called a hoist motion. When you put forward a motion that says "do not read it now but read it six months from now," that is a hoist motion. If we pass that bill, it does not come back in six months. The wording is a mere parliamentary convention. If we vote in favour of that motion, it kills the bill. Let's not have any misunderstandings about what the outcome of voting in favour of that motion might be. It's not a delay motion; it's a killing motion. I will say right from the start that I would not favour killing this bill.

I want to add a couple of other comments. I've participated in conversations with senators from the Conservative caucus, the Liberal caucus, the government caucus, the ISG and also, today, a little here and there from our newest colleagues. The conversations have rolled on since right from the beginning of this session. You can see from the number, Bill S-203, it was one of the very first bills put on the floor, so it was probably put on the floor in December. That's almost a year ago. There has been this back and forth.

I appreciate there are different points of view, and some people would agree with passing the bill and some people would not, but we are at second reading. At second reading, what we are debating is the principle of the bill. When you get into whether you agree with a bill or disagree with a bill, clause by clause and its overall content, that discussion goes on in committee and again in third reading.

I will say that it has been a longstanding tradition, as explained to me one day by Senator Lowell Murray, that the Senate of Canada has always bent over backward to ensure all bills, whether government legislation or private members' legislation, go into committee for a thorough discussion because we believe in free speech and that everybody's views deserve to be heard.

I remember very well one day when a senator put a motion forward that had to do with seals in Newfoundland. He was taking the activist position on it, and people sitting beside him refused to second it, so it wasn't a good motion. Senator Lowell Murray, who disagreed with the motion, nevertheless stood up and said, "I second that motion. It deserves to be heard, whether we agree with it or not."

In my view, we should be moving this bill forward. We should give everybody the opportunity to be heard. It should move to committee. So why has it taken almost 12 months to move it off the floor of the chamber?

The real argument, as it turns out, is which committee to send it to, and that discussion has not been debated in this chamber. With regard to what that discussion is all about, I couldn't even begin to describe for you the ins and outs, machinations and backroom deals and no backroom deals that have been made around that, some of which are completely natural.

What we are really facing here is an impasse. The sponsor of the bill has asked that it go to the Fisheries and Oceans Committee, as I understand it. Others are insisting that it go to the Legal Committee, which is another question. There are other committees it might be referred to, but that discussion is not being held on the floor of the chamber. That discussion also had pros and cons. I vote that we bring it to the floor and discuss it, because it will be the Senate's decision as to which committee it's ultimately referred to.

• (1620)

Enough of these backroom deals and old bargaining tactics that have been going on in the old political way. We are moving forward; let's move forward to collaboration, collegiality and transparency.

So I will vote to keep moving this bill forward to committee.

I have not personally made a decision as to what I would do on the actual pith and substance of the bill, but I am looking forward to hearing more evidence. When that evidence is presented to committee and when third reading is held and more evidence is brought forward, then I will make up my mind.

But I want to get it to committee and third reading so that we have an opportunity to give this bill the proper consideration that every bill deserves in the Senate of Canada.

**The Hon. the Speaker:** Question, Senator Moore, or on debate?

**Senator Moore:** On debate, Your Honour.

**The Hon. the Speaker:** I saw Senator Fraser rise first, so I'll recognize Senator Fraser.

I will inform colleagues that, as they probably well know, if Senator Moore enters debate on the amendment, it does not have the effect of closing off debate on the bill. It will be on the amendment.

**Hon. Joan Fraser:** As Senator Baker would say, "Very briefly, colleagues."

The presentation of the hoist motion, which we are now debating, casts aside any little veils of argument — I won't say hypocrisy — that the long delay of this bill has been anything but intentional obstruction and delay. As defined in our Rules, a hoist motion is part of the definition of what is called a dilatory motion, dilatory meaning delay. That is its sole purpose.

This bill has been before us for nearly a year now, as Senator McCoy has said. It is part of our most honourable tradition to move bills to committee, unless there is a supremely important reason not to do so; for example, if we were absolutely persuaded,

one and all, that a specific bill was contrary to the Charter of Rights, we might choose to kill it at second reading. Normally we don't do that. We send our bills to committee for proper study.

This hoist motion is nothing more than an attempt to block and obstruct, and I cannot support it.

**The Hon. the Speaker:** Senator Fraser, will you take a question?

**Hon. Donald Neil Plett:** Thank you for your enthusiasm about the question. Senator Fraser, I certainly concur with you that we need to move legislation through here, and I've been an advocate of that for quite some time.

You say that this has been held up for whatever reasons, which Senator McCoy alluded to. Some of that is true, and some of it isn't. Nevertheless, you suggest there have been some stalling tactics going on here. No.

Would you feel the same, Senator Fraser, about all legislation? My question to you is this: Why have you held up a bill personally for almost six months, a bill that again has nothing to do with any Charter or legality but has only to do with contractors across this country losing their businesses? Yet you delayed the bill for six months. When you got up to speak to it, you said — and I'm paraphrasing — "Really, I don't have much of an opinion on this bill. I took the adjournment because I'm the deputy leader. I will now pass it on to somebody else."

Would you not agree that that bill should move along equally quickly?

**Senator Fraser:** You're talking about your own bill, Senator Plett.

**Senator Plett:** Yes, I am.

**Senator Fraser:** A little bit of elucidation: When bills come up for debate, if nobody is eager to take the adjournment but there is not a clear sense in the Senate that the bill should proceed to the next stage — to committee — it has been customary for a deputy leader of the government or the opposition, or in our case the third party, to take the adjournment in order to hold the bill available should someone else wish to participate in debate.

I informed my caucus colleagues more than once that that's what I was doing with that bill, that I was very pleased if anybody else wished to speak to the bill. Not long ago, as you rightly note, I said that publicly in the chamber.

I agree that bills, including your bill, have every right to go to committee and should go to committee. I have no objection to that. I do object to prolonged, insistent obstruction of legislation, whether it's a private member's bill or a government bill.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Would you take another question?

Senator, as the former deputy leader of the Senate Liberal caucus and someone with whom I had worked very closely, in your remarks just now you talked about honourable tradition and what is customary. I want to first of all acknowledge that Senator Moore has been asking me about this bill, and it's very important

to him, as are other bills to some of our other colleagues. I am doing my part in trying to communicate and work through this — not a total impasse — but a very narrow path to try and move us forward.

Isn't it the honourable tradition and customary that in this chamber, when it has not been fully, openly discussed at scroll — and one of the reasons we have the meetings in the first place is to organize our business here — if something happens unannounced in this way, such as today, it does create quite a bit of tension, sometimes welcomed, sometimes not, because it could be a catalyst to move us forward. I feel that had I been able to take the adjournment and consult my caucus and do what we do in our job as deputy leaders or facilitators, we would be able to try to find our way forward. I think that is the honourable tradition we have in this chamber.

When the bells rang and I tried to speak to the other deputy leaders and the facilitator, the response I was given was to try and help us not to get to this point but to move us forward was quite disappointing. Everyone has reasons in answering and doing what they must, but I just wanted to ask you, in terms of bringing something to the floor, whether it's a question or trying to limit debate, isn't it the honourable tradition that we try and communicate that prior to the moment it happens in the Senate first so as to avoid these types of situations?

**Senator Fraser:** Let me begin by saying that in order not to eat up too much of the chamber's time, this will be the last question that I'll answer.

Yes, I worked very well with Senator Martin for quite some time when I was also a deputy leader. You have my deepest sympathy in continuing that role, Senator Martin. The day you're freed from it, you will feel that you have been liberated. I can tell you that as an absolute guarantee.

Yes, of course it is our tradition to try to negotiate accommodations and mutual agreements about how to move forward. Back in the day, I recall attempting to achieve precisely that with this bill and, indeed, with Senator Plett's bill. I was not successful. Then I was liberated, so now it's the job of other people to try to do these things.

But we are all aware that, in general, for the smooth functioning of this place, we do exchange information about what we understand to be the likelihood of developments in the chamber on a given day. But we also know that from time to time unexpected developments occur, developments, perhaps, of which people were not even aware when the scroll meeting was held. It happens, and I think it's a pity when we find ourselves driven to this point, but it does happen.

• (1630)

**Hon. Wilfred P. Moore:** As you can well imagine, I will not be speaking in support of this motion.

Maybe, for the benefit of our new colleagues, you should know a little history here. I introduced this bill in December of last year, and on January 27 I spoke to it at second reading. The critic then was Senator Janis Johnson, who spoke to it on March 22, and she spoke in favour of the bill. Senator Plett took the adjournment,

informing me that you can't be the critic and be in favour of the bill, which I don't agree with. At the time, as I reminded him, I was totally supportive of Senator White's bill dealing with fentanyl and worked with him on that. I also supported and spoke strongly in favour of Senator Runciman's bill, and in both of those cases I was a critic.

So, Senator Plett talks about delay of his bill. I ended up being the critic of that bill. I spoke in favour of that bill. A little reciprocity goes a long way. I don't want to hear about delays. My time is running out here. Let this be a lesson to the rest of you that the rules are such that 15 sitting days can stretch out. Once you get to June and summer break, it's gone again. That's what's happened here. Then they pass it on to a surrogate and another one and delay the whole thing.

Everybody tells me, especially Senator Baker, about how wonderful the Senate is in its committee work. If no bills get to committee, then there is no heraldry.

I'm not asking you to support this bill. Senator Tannas, I was surprised at this, but maybe there's an Ontario law. You are probably aware of the Aquarium Society of Alberta and its proposed aquarium for Edmonton. What do you think its top frequently asked question is? Will the aquarium have dolphins and whales? No. There will be no cetaceans and no trained animal shows in Alberta.

California just passed a bill two weeks ago. Guess who supported it? Sea World. It's not like we're trying to make laws here to benefit California. We have an opportunity to be a leading party to this in the world, so I would ask senators not to support this motion and to please let it go to committee. Let the scientists come in and let the experts have their say. We've heard about the importance of science today, and we've heard about the importance of experts, so let them come in and have their say. Then we can hear what they have to say, and we can make our comments with regard to that at third reading. I would really ask you to please defeat this motion and let the bill go to committee where it can be heard and discussed by people who know the topic well.

I should say, in closing, that my bill does nothing to cease the work with rescued animals or to help children work with those creatures.

**Senator Plett:** Will Senator Moore accept a question?

**Senator Moore:** No, thank you.

**The Hon. the Speaker:** Senator Moore is not accepting questions.

Are senators ready for the question?

Senator Dyck, on debate.

**Hon. Lillian Eva Dyck:** I just thought I would say a few words on this hoist motion. Senator Tannas, I really appreciated the comments you made. I've known you for some time, and I know that any research you do is taken from a neutral position. You did bring up some issues that I think very much needed to be taken

[ Senator Martin ]



into account. When we look at a bill, we should be making decisions with respect to the merits of the bill, and there obviously are some merits and there may be some disadvantages.

The hoist motion will not allow a committee to look at the merits of the bill. But what is happening is that rather than making a decision based on the merits of the bill, we're making a decision based on a problem in the political process whereby there has been a failure in communication between the opposition leaders and the government representatives in the Senate in that they have not been able to come to an agreement ahead of time, so we're faced with a hoist motion.

To me, it doesn't seem right that we should be deciding to essentially kill a bill because of our political process rather than because there's something seriously wrong with the bill. For example, if it had some constitutional deficiencies or if it was contravening the Charter of Rights, then that would be one thing. You have pointed out there are deficiencies, and it seems to me the only proper way to deal with that would be for it to go to a committee. That committee could then decide by calling in witnesses. It doesn't have to be a long, extended study. It could be fairly short.

I will not vote in support of the hoist motion because I don't think that we should be dispensing of it because I don't think there's anything seriously wrong with the bill.

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

**Hon. David M. Wells:** I'd like to take adjournment on the motion.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** It was moved by the Honourable Senator Wells, seconded by the Honourable Senator McIntyre, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion please say "yea."

**Some Hon. Senators:** Yea!

**The Hon. the Speaker:** All those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Is there agreement on time for a vote?

**Senator Mitchell:** Now.

**Senator Plett:** Tomorrow at 5:30.

**The Hon. the Speaker:** Ordinarily, Senator Plett, you could move the vote until 5:30 tomorrow, but not an adjournment motion. The adjournment motion has to go ahead.

In my opinion, the nays have it.

*And two honourable senators having risen:*

Is there an agreement on time?

**Senator Plett:** One hour.

**Senator Mitchell:** Fifteen minutes.

**The Hon. the Speaker:** The vote will take place in one hour at 5:37.

Call in the senators.

• (1740)

Motion negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Beyak  
Boisvenu  
Carignan  
Dagenais  
Doyle  
Eaton  
Enverga  
Frum  
Housakos  
Lang  
MacDonald

Maltais  
Martin  
Mockler  
Neufeld  
Ngo  
Ogilvie  
Oh  
Plett  
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**The Hon. the Speaker:** Resuming debate on the amendment of Senator Tannas.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by Honourable Senator Tannas, seconded by Honourable Senator Batters, that Bill S-203, an Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins,) be not now read a second time but that it be read a second time this day six months hence.

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

**Some Hon. Senators:** No!

**The Hon. the Speaker:** All those in favour of the motion, please say “yea.”

**Some Hon. Senators:** Yea!

**The Hon. the Speaker:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay!

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Is there an agreement on time?

**Senator Plett:** Tomorrow at 5:30.

**The Hon. the Speaker:** Pursuant to 9-10 (2,) the vote stands deferred until 5:30 tomorrow afternoon. Pursuant to the sessional order of February this year, the Senate will suspend at the later of 4 p.m. or the end of Question Period, and will resume at 5:30 for the deferred vote. The bell will ring for 15 minutes.

#### IMMIGRATION AND REFUGEE PROTECTION ACT CIVIL MARRIAGE ACT CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

**Hon. Percy Mockler:** Your Honour, I move the adjournment of the debate for the remainder of my name.

(On motion of Senator Mockler, debate adjourned.)

[Translation]

#### SENATE MODERNIZATION

##### EIGHTH REPORT OF SPECIAL COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report (interim) of the Special Senate Committee on Senate Modernization, entitled: *Senate Modernization: Moving Forward (Broadcasting)*, presented in the Senate on October 18, 2016.

**Hon. Claudette Tardif** moved the adoption of the report.

She said: Honourable senators, as a member of the Special Senate Committee on Senate Modernization, I am very pleased to participate in the debate on this important issue.

On October 18, following the presentation of the first report of the Special Senate Committee on Senate Modernization, I had the honour of presenting recommendations 13, 14 and 15 of the report, which are as follows:

- That the Senate direct the Committee on Internal Economy, Budgets and Administration to ensure that the Government Conference Centre be equipped with cameras, facilities and resources to enable the broadcasting or webcasting of Senate proceedings.
- That the Senate direct the Committee on Rules, Procedure and Rights of Parliament to examine and propose to the Senate any amendments to the *Rules of the Senate* to allow and facilitate broadcasting of its proceedings.
- That the Senate direct the Senate administration to negotiate with the Canadian Public Affairs Channel to provide for more broadcast exposure of Senate proceedings, whether committee or Chamber.

[English]

In making these recommendations, the committee was motivated by a desire that the Senate should be more visible if it is to be seen as relevant to Canadians.

The committee was guided, in particular, by the principles of modernization, accessibility and accountability.

• (1750)

Broadcasting or webcasting of chamber proceedings would give Canadians the opportunity to experience the effectiveness of the Senate and to witness the quality of debate and the crucial topics of national interest that the Senate is widely reputed for. The partially televised medically assisted-dying bill debates of this past spring are a case in point.

Making the Senate more visible also allows Canadians to more closely scrutinize the Senate, thus promoting accountability.

Members of the committee saw an opportune moment to put into effect the desire to broadcast or webcast chamber proceedings. The Centre Block is undergoing a multi-year restoration in conjunction with the restoration of other buildings on Parliament Hill. During the period of restoration, the Senate Chamber will be housed in the Government Conference Centre. The move will occur in 2018.

At this time, I would like to point out a typo in the report, indicating that the move will occur in 2017. The correct date is, indeed, 2018.

The committee recommends that the temporary chamber in the Government Conference Centre be equipped with television cameras and the required facilities, and be provided with the resources needed to enable the broadcasting or webcasting of Senate Chamber proceedings.

This recommendation is the result of a careful weighing of the costs and benefits of equipping the Government Conference Centre as against equipping the current chamber before the move to the Government Conference Centre. The investment in broadcasting equipment and facilities in the new chamber in the Government Conference Centre would last throughout the period of restoration of the Centre Block.

[Translation]

These sums will be paid out by Public Works and Government Services Canada and not by the Senate, because they are part and parcel of the renovations already under way at the Government Conference Centre and the restoration planned for Centre Block.

The committee also recommends that the *Rules of the Senate* be amended in order to give this recommendation full force and effect. Rule 14-7 should therefore be amended.

In addition, as I pointed out earlier, the committee recommends that the Senate pursue its negotiations with CPAC to include

Senate proceedings, in addition to Senate committee meetings, in CPAC's weekly timeslots.

Moreover, there is an error in the English version of the report. CPAC was represented as the "Canadian Public Affairs Channel," or *chaîne d'affaires publiques canadienne* in French, when the acronym actually stands for "Cable Public Affairs Channel," or *chaîne d'affaires publiques par câble*.

Regarding the broadcasting of Senate proceedings, the report also indicates that CPAC currently broadcasts only a very small slice of Senate committee work, when in fact, it has always honoured the agreement it reached with the Senate and has always broadcast all Senate committee work that is recorded and that it receives. It also rebroadcasts many meetings according to what best matches the timeslots allocated to the Senate.

Nevertheless, the committee recommendation remains just as valid, and negotiations will be necessary in order to include the Senate chamber proceedings, in addition to the Senate committee meetings, in CPAC's weekly timeslots.

[English]

Honourable senators this is not the first time broadcasting has been discussed and considered for this chamber.

Indeed, prior to this report, there were three other reports that touched on the subject: the *Senate of Canada Communications Functional Review*; the *Working Sessions on Senate Modernization Report*, spearheaded by Senators Greene and Massicotte; and *Working Together: Improving Canada's Appointed Senate* — a summary of the contributions made by five Canadian scholars at a symposium held at the University of Ottawa in 2015 and spearheaded by Senator Joyal — which concluded with 12 proposals for the reform of the Senate with respect to its operations and practices that could be implemented within the present constitutional framework. They acknowledged the fact that the Senate had begun to address public communications as a part of what they referred to as an "institutional weakness."

"Progress," they said, "needs to be closely monitored and reported to the public."

All three reports ultimately recommended moving forward with or taking steps toward broadcasting Senate deliberations, while the first one also led to a major overhaul of Senate Communications, a move that has so far been widely praised by the media and the public.

Additionally, many senators expressed themselves in favourable terms during the consultations that preceded the drafting of some of these reports, and I would like to highlight a few of these quotes, if I may:

Broadcasting in the chamber is inevitable, a necessary evil. It compounds the perception that we are a private club, non-transparent and not accountable, if we don't broadcast.

[Translation]

Might help in communicating our work — and help Canadians to understand our role.

Accessibility and transparency are essential, even if expensive.

[English]

Several expert witnesses who were invited as panellists on the Special Committee on Senate Modernization last April also viewed broadcasting in favourable terms. Errol Mendes, Professor, Faculty of Law, Common Law Section, University of Ottawa stated:

I think it's overdue . . . . If the Supreme Court of Canada can televise its hearings, there's absolutely no reason why the Senate itself cannot do that. It reinforces some of the recommendations . . . mentioned in terms of being able to provide the discussion on those areas which the House of Commons doesn't have either the time, the capacity or the expertise to deal with. I think that could be one of the most profoundly important aspects of a modernized Senate to focus on those.

[Translation]

Stéphane Beaulac, a professor in the Faculty of Law at the University of Montreal, said:

It is in our interest to be transparent by making public all necessary information and trusting the thoughts behind the proceedings.

In closing, honourable senators, I ask you to support the three recommendations in the committee's eighth report. The transition to broadcasting and webcasting the Senate chamber proceedings is garnering considerable support from senators and especially the Canadian public.

I am certain that in the long run, the Senate's renewal will be enhanced by what I consider to be a necessary change. We are living in an age of digital and visual communication, as indicated in the Senate modernization report:

It is crucial that Canadians have every opportunity to observe senators in their roles as legislators and representatives of the regions and of minorities.

(On motion of Senator Martin, debate adjourned.)

[English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, before dealing with Senator Ogilvie's motion, it is now six o'clock.

Pursuant to rule 3-3(1), I am obliged leave the chair until eight o'clock unless it's your wish we not see the clock. Is it your wish that we not see the clock?

**Hon. Senators:** Agreed.

[ Senator Tardif ]

• (1800)

## STUDY ON THE ISSUE OF DEMENTIA IN OUR SOCIETY

### SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Dementia in Canada: A National Strategy for Dementia-friendly Communities*, deposited with the Clerk of the Senate on November 15, 2016.

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I move:

That the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology, tabled with the Clerk of the Senate on Tuesday, November 15, 2016, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Health being identified as minister responsible for responding to the report.

He said: Honourable senators, I am proud to have the honour to move the adoption of our report entitled *Dementia in Canada: A National Strategy for Dementia-friendly Communities*.

First of all, I want to acknowledge the contribution of every member of the Social Affairs, Science and Technology Committee and their respective staffs for their dedication to the development of this report.

I also want to acknowledge a great debt of gratitude to our exceptional analyst and writer Sonya Norris. And, of course, we can't operate without the support of our clerk, Shaila Anwar.

Honourable senators, dementia is a progressive and degenerative condition that robs an individual over the course of many years of the ability to live and function independently. Persons affected by dementia can continue to live independently for some time. However, as their condition progresses, they require increasing levels of care. In the last stage of dementia, individuals lose the ability to convey when they are in pain, as well as to walk, to talk, to chew and even to swallow.

The report cites Alzheimer Society of Canada figures showing the toll dementia takes on Canada's population and its economy will more than double over the next 15 years as the country's aging population grows and the costs associated with supporting them increase. It was within this context that the committee undertook this study to determine the actions that should be taken to most effectively and efficiently meet the challenge of the disease and its treatment.

The committee notes that by 2031, the expected number of Canadians with some form of dementia will be 1.4 million. The direct health care cost of caring for dementia patients is expected to increase dramatically to \$16.6 billion in 2031, compared to \$8.3 billion in 2011. By 2040, the total direct and indirect costs associated with dementia are projected to rise to \$293 billion, compared to the \$33 billion in 2015.

There is currently no cure for dementia and little treatment available to slow the progression of the condition. However, eating well, keeping physically and socially active and engaging in activities that are intellectually stimulating are all believed to extend the early phase of dementia during which an individual can maintain an independent lifestyle.

With the proper supports, dementia sufferers are often able to stay in their home until the later stages of the condition, and as many as 90 per cent of individuals with dementia live within the community.

Now, there is some cause for optimism. Committee members were impressed by the efforts of dementia patients, their families and their supporters to create “dementia-friendly communities” that are inviting and supportive of individuals with dementia. These efforts include community-led initiatives such as the creation of Memory Cafés and Blue Umbrella programs that reduce the stigma of dementia and help dementia patients live independently and help sufferers overcome the desire often expressed by dementia patients to withdraw from society following a diagnosis.

Committee members were profoundly moved by ordinary Canadians who have proven capable of extraordinary things when thrust into the role of caregivers for loved ones with dementia. However, a clear strategy with proper funding must be put in place if we are to meet the needs of the hundreds of thousands of Canadians — our parents and grandparents — whose dignity is robbed by this cruel disease.

As one patient told us:

I was diagnosed with dementia and essentially sent home, without a plan, direction or advice, to spend the rest of my days. Had I been diagnosed with a stroke or heart disease or cancer, I would have received a detailed plan and prognosis.

To put this dearth of support in perspective, dementia has just reached the status of the number one cause of death in the U.K. and Wales.

A national dementia strategy: The committee’s report makes 29 recommendations aimed at helping the growing number of Canadians who will develop some form of dementia. Senators urge the government to immediately establish the “Canadian Partnership to Address Dementia” with a mandate to create and implement a national dementia strategy. The partnership would include representatives from all levels of government as well as health-related organizations, caregivers, people affected by dementia, researchers and members of the indigenous community.

It was not only obvious to the committee but imperative that Canadians living with dementia must be included in all aspects of a coordinated approach to dementia care in Canada.

The partnership should receive at least \$30 million in annual federal funding.

A national dementia strategy would ensure that adequate care is provided to people with dementia, that housing options are available for patients, and that funding for research and disease

management is in place. The national dementia strategy should also help turn new discoveries about treating and slowing dementia into practice.

Part of the strategy should see the Public Health Agency of Canada move beyond its apparent passive approach and create and implement a public awareness campaign regarding prevention, early diagnosis, symptom recognition, quality of life, and services and supports.

Meeting the needs of the growing number of Canadians with dementia will require the federal government to make significant financial contributions in areas like home care services, continuing care infrastructure and research. In the upcoming Health Accord, the committee recommends that the federal government commit \$3 billion over four years for home care services. This money must come with rigorous evaluation and reporting requirements to ensure effective use of the funds.

The committee also believes the federal government should reduce the financial burden on informal caregivers. Senators recommend exploring fiscal options, including expanding Employment Insurance compassionate care benefits and amending caregiver tax credits to benefit lower income Canadians.

In view of the need for provincial and territorial governments to provide more long-term care facilities, the committee recommends that the federal government invest \$540 million in continuing care infrastructure to help meet that demand.

In terms of support for research, the committee supports the work being done by the Canadian Institutes of Health Research, the lead agency in dementia research, through its Canadian Consortium on Neurodegeneration in Aging.

Ronald Petersen, Director of the Mayo Clinic Alzheimer’s Disease Research Center in Rochester, Minnesota, told the committee that increasing research funding to 1 per cent of the cost of dementia care would likely permit researchers to find a disease-modifying treatment by 2025.

• (1810)

The committee therefore recommends that the federal government allocate to the consortium the international standard 1 per cent of the annual cost of health care for dementia patients, which would more than double its current funding level of \$41 million.

There is hope. Major international research-based pharmaceutical companies have potential therapies in early clinical trials. A small Canadian company in B.C., ProMIS Neurosciences, has recently claimed a major advance in identifying specific Alzheimer’s diseases and possible treatments.

But much work remains to be done. The committee urges the federal government to act on the recommendations made in our report without delay. These recommendations are the products of months of study, expert testimony and thorough analysis. They provide a solid basis for swift action.

Dementia touches the lives of millions of Canadians, including the hundreds of thousands who are diagnosed as well as their family members who become informal caregivers. Senators will continue to give them a strong voice in Parliament.

Honourable senators, I hope you will endorse our report. Thank you.

**The Hon. the Speaker:** Senator Watt, on debate or a question?

**Hon. Charlie Watt:** I have a question.

**The Hon. the Speaker:** Senator Ogilvie, would you take a question?

**Senator Ogilvie:** Yes.

**Senator Watt:** Honourable senators, I am so happy to hear what you say because I have been living with a person with that problem. It's been going on for more than 10 years altogether. My wife and I have been married for more than 50 years — 52 years, to be exact. She, too, has the problem.

When you undertook to examine what is available and what the government should do on the point of the report you talked about, have you taken into consideration the fact that in the North, let's say Nunavik, Nunavut, Nunatsiavut and N.W.T. — I missed something, and that's why I'm asking the question — have you taken into consideration that they have no facilities or expertise in that field whatsoever in the North?

**Senator Ogilvie:** Thank you, senator, for your question. You will be discouraged to know that the conditions experienced in the North are widely experienced throughout Canada in general; rural communities throughout Canada are in the same kind of situation. If you had no other reason to support our recommendations, that alone would be sufficient, namely, that it's very difficult for anyone today to get information that would help them know how to even seek the kind of support you're asking for, let alone have it delivered.

There is the example of a dementia patient who appeared before our committee and expressed the frustration of not having even in a major city in Ontario access to the least bit of guidance with regard to how she could leave that meeting of the diagnosis and proceed to try to do something to help herself deal with this condition as she goes forward.

We need this strategy, senator, to deal with help for all Canadians and with the other recommendations we have made. The distribution of access to information and support through distance and communication in the remote areas of this country is critical.

**The Hon. the Speaker:** Senator Eggleton, on debate.

**Hon. Art Eggleton:** Honourable senators, I rise and am pleased to second this report as the deputy chair of this committee. I also want to thank the people Senator Ogilvie mentioned who are members of the committee, plus our support team. The one person he didn't thank is himself, so I'll thank him for his leadership.

We've worked together for a number of years. Earlier this year, we did a report on obesity that has now resulted in a bill by Senator Raine, which has resulted in the Minister of Health talking about many of the things that we described in that report.

This whole process is the strength of the Senate. We have high points and, as you know, we have low points, but the committee work is a high point. It is a strength of the Senate indeed, because we get to decide on the kinds of studies we think are pertinent to what Canadians need today, and we put a request to the Senate and get an order of reference to carry out our study. We then spend several months — sometimes more than a year or a couple of years — studying something in-depth, bringing in witnesses from all over the country and different parts of the world as well. We've brought in some very notable witnesses on this subject and on other subjects.

We've drawn on literature and evidence to come up with a series of recommendations as a result of our analytical work that can help us to move forward in helping people with dementia; helping their caregivers, who are very stressed out at times; helping to ensure more money gets into research so we can come up with perhaps a cure one day, but certainly treatments that can help people go through that phase of their life that can go on for quite a number of years. We're getting an older population day by day, which means more and more people, as Senator Ogilvie pointed out, are becoming victims of this particular disease.

And they're living longer. With living longer, we've got to focus on them having a better life longer. That is part of these 29 recommendations.

So I highly recommend this report to you. We're going to go on. We've already got an order of reference to go into health innovation as our next study, which will deal with artificial intelligence, robotics and other changes that will help in other areas of health care needs.

The point I'm trying to make above all here, in addition to this report, which I think is worthy of our support, is that the process that we go through in committees is well worth the time. I've been on the Social Affairs Committee, both as deputy chair and as chair, for a dozen years. We may have disagreements, and we do have little squabbles from time to time on legislation that might come from the government, but when it comes to these studies and this investigative work that lead to reports like this, we have always been, in the 12 years I've been on the committee, unanimous in our final decision. So it is a strength of this Senate, and I recommend this report to you. Thank you.

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

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

**Hon. Senators:** Question.

**The Hon. the Speaker:** All those in favour of the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

• (1820)

## SENATE MODERNIZATION

### SEVENTH REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Special Senate Committee on Senate Modernization, entitled: *Senate Modernization: Moving Forward (Regional interest)*, presented in the Senate on October 18, 2016.

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

He said: Honourable senators, firstly, please allow me to thank Senator Greene, Senator McIntyre, Senator Joyal and Senator McCoy, along with the many others who have recognized the need and contributed so significantly to our modernization deliberations. This has allowed a consensus to evolve and to have the Modernization Committee present, in its first report, 21 recommendations for discussion and hopefully acceptance by the Senate as a whole. Now is the time for each of us to responsibly and timelessly consider each motion in the best interest of our institution and our country.

[Translation]

Your Special Senate Modernization Committee, which was authorized to examine ways to make the Senate more effective within the current constitutional framework, tabled its first report on October 4, 2016. Among other things, the committee examined regional representation. In other words, should we better satisfy our responsibilities and consider regional priorities in our debates and decisions?

When our Constitution was drafted, it was the intent of the founding fathers that Senators would have a major role by representing their regions in the debates and decisions of the Senate. With that in mind, should we organize ourselves into regional caucuses? If so, would this also be the case in the Senate?

[English]

This discussion naturally leads us to also consider other organizational options to better allow us to satisfy our needs and responsibilities. For example, should we maintain the Westminster model that has served us for so many decades? Are there any other models which would better allow us to satisfy our responsibilities in the interests of all Canadians?

When considering these options, it is important to never forget that our principal role as legislators is to best contribute to and satisfy our sober second thought responsibilities. With this in mind, how can we best organize our caucuses and chamber discussions in the interest of all Canadians?

[Translation]

Ultimately, this is a very important and even fundamental debate about how we function, our performance, and our pertinence to Canadians. The importance of this debate deserves your full consideration and engagement.

Even though I remain very open to the idea of identifying the best solution, I do not believe that we will better fulfill our responsibilities by organizing the Senate and our caucus on the basis of on our regions. I recognize that when our country was established in 1867, our founding fathers obviously believed that the primary role of senators was to represent their regions. Of course, this was at a time when legislative and economic powers were highly centralized in Ottawa, where regional voices were not heard much. Since then, things have changed a great deal as a result of several federal-provincial agreements and Supreme Court rulings that have given much more power to the provinces and its representatives. These representatives have gained power through several platforms and tools that enable them to express themselves, to be heard, and to conduct negotiations according to their needs and interests, by mutual consent, or jointly with the federal government.

I am worried that organizing the Senate according to regions would push us into taking positions that are too provincially oriented and too focused on the usual conflicts between the provinces, which would minimize the importance of the country's national needs. The regional caucuses would likely be highly motivated to act in a very partisan manner in favour of their region at the expense of the national interest. Imagine the pressures and the nature of the discussions if the Senate were to hold a referendum debate on the future of our country. Things would likely spin out of control.

What is more, I am not convinced that the provinces want senators acting as their representatives in the national debate. I think that, instead, senators can better contribute to the work of the Senate and meet their constitutional obligations by keeping a federal perspective and working to strike a better balance between conflicting regional interests and a long-term vision for the country.

[English]

Having said such, I do not believe that our sole other choice is to continue with the Westminster model of Parliament, where certain senators are designated to be in favour of the government legislation and others are organized to be against.

Where our objective is to work together to provide our country with the best available legislation and decisions, my first reaction to such a pre-definition of roles is disappointment. I am disappointed that we senators and Canadians at large will not fully benefit from these designated senators' experiences and competencies, where their pre-defined roles already prejudice their contribution and opinions.

Why not allow all senators the freedom to contribute as best they can to the best decision and the best legislation? To support, amend or vote against any legislation without pressure or influence?

Rather, if a senator is programmed to be for or against any legislation, already he or she becomes less credible, diminishing his or her ability to influence his or her colleagues and the public. That is also the case in everyday life, where it is more difficult to trust and accept the opinion of a referee, an umpire, a judge or even a friend when you know he is biased, prejudiced or has an axe to grind.

[Translation]

In short, I am not convinced that a permanently confrontational structure is necessary to allow for a full debate before we are required or ready to make a decision and vote. Now, more than ever, with so many independent senators, the approval of bills requires discussions, openness and a certain amount of consideration for varying and opposing viewpoints for the benefit of our democracy and the quality of our legislation. Such a structure would be similar to the former regimes where a majority of senators who were affiliated with a certain political party could impose their own partisan political agenda without much difficulty. A critical review is now a rather natural part of our debate without certain senators playing an organized role for or against a bill. Take, for example, our recent debates on Bill C-14. They were first-rate debates, and every senator contributed in his or her own way by making recommendations that were well-thought-out and justified. What a great example of sober second thought.

[English]

Another major concern I have with the Westminster model is that it is based on partisan caucuses within the Senate. As we have too often seen in the past, the bonds and peer pressure from the very partisan House of Commons have motivated their Senate cousins to act in similar partisan manner, where the quest and chosen tactics of the party to seek or maintain power by diminishing the other party seem to override, or at least prejudice, the thinking and process of senators in their deliberations. In this case, the interest of the party appears more important than that of the country. Canadians want and deserve better than this.

I believe we must consider and even experiment with other organizational models, with the objective of finding the model and process which will allow us to arrive at the best available decisions in the interest of all Canadians.

[Translation]

I am not alarmed by the direction we are taking, where we might end up with several caucuses or groups of senators with similar views and affinities. Senators might form groups based on their shared philosophy, on major social projects, or in connection with a social cause. At the same time, I do not object to the idea that some senators want to maintain a political caucus in order to share the common values and philosophies of a political orientation. Ideally, in that context, I would like those caucuses to be free from any formal and organized association with their political party, and not have a whip or be under any sort of pressure that would amount to the same thing. This would ensure that every senator would be free to contribute as much as possible to the work we do and vote as they see fit and, I would add, in the best interests of our country.

I don't see why the leaders of these various caucuses couldn't assume the typical Senate responsibilities of discipline, coordination, and administration.

• (1830)

I realize that many of you do not share my opinion. The purpose of debate is to enable us to better understand all of the options and their pros and cons. I invite you to reflect on the

[ Senator Massicotte ]

options and to contribute to this important and necessary debate, a debate that will define our institution and that will certainly enable us to better discharge our responsibility to function as a chamber of sober second thought in serving the best interests of our nation.

As you may have gathered from my previous speech, the Modernization Committee was unable to reach a consensus on the structural issue or on the benefits of regional organization. Nevertheless, the process helped us realize that we need to be more aware and informed of regional aspects and priorities in our reports, our analyses and our opinions.

[English]

With such in mind, the Modernization Committee achieved consensus to recommend for your adoption the following:

1. That the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to consider and recommend amendments to the *Rules of the Senate* to require standing committees to consider regional impacts in their reports on legislation by way of observations or in the report of subject matter studies, where significant and prejudicial; and

2. That the Senate direct the Committee on Internal Economy, Budgets and Administration to make available sufficient funds for committees to travel to all regions of the country when studying bills with potential regional impacts or when considering issues with potential regional impacts, where significant or important.

We hope you will agree with our opinion and recommendations. Of course, we look forward to hearing your own views in this respect.

**Hon. Nancy Greene Raine:** Will the honourable senator take a question?

**Senator Massicotte:** Of course.

**Senator Raine:** I heard you mention a term, and I'd never heard it before: "infinity caucus." What do you mean by that?

**Senator Massicotte:** It was "affinity."

**Senator Raine:** I was worried. So that is a caucus that has come together with an affinity for a certain issue? Could people come and go as the issues change?

**Senator Massicotte:** It would be for a senator to decide what they want to belong to; however, I would hope and suspect that it has to be a broad social interest and social cause, and I would expect them not to switch every six months. It has to be societal based, because obviously you're seeking something and you count on other senators to have discussions to pursue. It should be value-oriented and very broad.

**Senator Raine:** I have a further question. I become concerned when I hear the word "partisan" used as almost a negative thing. I always felt that somewhere along the line of your life, you find where you are on the wide spectrum — and there is a spectrum — of political opinions and philosophies. You don't need to stay



there. Certainly I've changed throughout my life. There's an old saying that if you're not a socialist when you're young, you have no heart; and if you're not a Conservative when you're older, you have no head.

As I got older, I found myself being more interested in my filter: Is it right for our grandchildren to be paying for these programs that we're putting in place when we're running deficits? That's the spectrum that I use. I find it very disconcerting that somehow "partisan" means rabid partisan with blinders on, my way or the highway, and I don't think that's what "partisan" means. I want to understand how you define "partisan."

**Senator Massicotte:** A lot of debate in this chamber is probably wasted because we use the word "partisan" and we don't all mean the same thing. Webster clearly defines it to be where you have a bias, where you have an opinion, where you have already decided an issue and therefore you are prejudiced. I see nothing wrong, though — and I think it's appropriate in the Senate — with having common affinity relative to our value system. You may be more physically responsible, or maybe more socially responsible. We are all subject to that, and I think it's normal. I see nothing wrong with caucuses built on those common philosophical or political value systems, which I think is very appropriate.

(On motion of Senator Plett, debate adjourned.)

## BANKING, TRADE AND COMMERCE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY EXPORT PERFORMANCE—MOTION WITHDRAWN

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. Pamela Wallin:** Honourable senators, I seek the indulgence of the chamber for a moment. I did check with the table officers on this. I would like leave of this chamber, if possible, to remove Motion No. 9 from the Order Paper. The dates, as you can all see, are unreachable and in some cases past

their best-before date. I will undertake to recommend to the committee that they consider this at some future point, but we can remove it from the Order Paper if everyone is in agreement.

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

**Hon. Senators:** Agreed.

(Motion withdrawn.)

[Translation]

## THE SENATE

### MOTION FOR MEMBERSHIP OF STANDING COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Joyal, P.C.:

That, notwithstanding rule 12-27(1) and subsections 35(1), (4), (5) and (8) of the *Ethics and Conflict of Interest Code for Senators*, the Honourable Senators Andreychuk, Cordy, Frum, Joyal, P.C. and Tannas, be appointed to serve on the Standing Committee on Ethics and Conflict of Interest for Senators, until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate; and

That, when a vacancy occurs in the membership of the committee before the establishment of the committee pursuant to rule 12-27(1), the replacement member shall be appointed by order of the Senate.

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

That the motion be not now adopted, but that it be amended by replacing all words following the words "*Ethics and Conflict of Interest Code for Senators*," by the following:

"the Standing Committee on Ethics and Conflict of Interest for Senators be composed of two Conservative senators, two Liberal senators, and one independent senator;

That the Conservative senators select the Conservative members to sit on the committee by means of a secret ballot;

That the Liberal senators select the Liberal members to sit on the committee by means of a secret ballot;

That the independent senators who are authorized to attend the Senate select the independent member to sit on the committee by means of a secret ballot;

That each of the groups of Conservative, Liberal and independent senators select a representative to move a motion in the Senate without notice that the selected senator or senators be a member or members of the committee, which motion shall be deemed seconded and adopted when moved;

That, when a vacancy occurs in the membership of the committee before the establishment of the committee pursuant to rule 12-27(1), the replacement member be appointed by the same process used to name the previous member of the committee; and

That the membership of Standing Committee on Ethics and Conflict of Interest for Senators as established pursuant to this motion remain in effect until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate.”.

**Hon. André Pratte:** The history of this motion more or less mirrors the recent history of the Senate itself. When the original motion was first moved on February 4, 2016, there were only a few independent senators in the chamber and they were not organized. It therefore seemed entirely appropriate to continue the membership of the very important Committee on Ethics and Conflict of Interest as it was in the previous session of Parliament.

When the amendment was moved, the situation had already changed quite a bit. There were more independent senators, and they were already beginning to get organized.

[English]

Since then, the independent senators have become increasingly more numerous, and they are now organized under the umbrella of the independent senators’ group. As you know, independent senators now comprise more than 40 per cent of the chamber. This morning, during the secret meeting organized by Senator Harder, a secret meeting to which all senators were invited — and the media was at the exit door of the meeting room, so it was really a secret meeting —

**Some Hon. Senators:** Oh, oh!

**Senator Pratte:** Journalists usually refer to a secret meeting as any meeting to which they’re not invited, so I tend to take that word with a grain of salt.

Senator Harder told us that the principle of proportionality is now widely accepted by both political parties represented in this chamber, so it should not be a problem that proportionality also be accepted as an organizing principle for the Ethics Committee.

#### MOTION IN AMENDMENT

**Hon. André Pratte:** Therefore, honourable senators, I move:

That the motion in amendment be not now adopted, but that it be amended by:

1. replacing the words “two Liberal senators, and one independent senator” by the words “one Liberal senator and two independent senators”;

2. replacing the words “the Liberal members” by the words “the Liberal member”; and
3. replacing the words “the independent member” by the words “the independent members”.

• (1840)

**The Hon. the Speaker:** It was moved by Honourable Senator Pratte, seconded by Honourable Senator Gagné that the motion in amendment be not now adopted but that it be amended — shall I dispense?

**Hon. Senators:** Dispense.

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

**Senator Pratte:** I think I made it pretty clear that this applies to the principle of proportionality accepted now by both parties and certainly promoted by the independents. It is 40 per cent for the independents, 40 per cent for the Conservatives and 20 per cent for the Liberals. That’s proportionality. That should be applied in all standing committees, the special committees and certainly for the very important ethics committee.

**Hon. Elaine McCoy:** I want to endorse this amendment and agree with it 100 per cent. As I said to Senator Joyal, I think a week or so ago, when I put that amendment forward, things had shifted and in fact this is recognizing proportionality.

I will say again, which I said when I made the amendment initially and when we’ve talked about this many times since February 4, when this issue first came to the floor, I believe, that we ought to be moving forward. This is a responsible move to put forward a proper ethics committee, and we are as independents wanting to do that and want to see that we have representatives on it. Nevertheless, we are eager to see it go forward.

I would urge tonight the calling of the question and having this matter resolved once and for all.

(On motion of Senator Martin, debate adjourned.)

#### NATIONAL SECURITY AND DEFENCE

STUDY ON POLICIES, PRACTICES, AND  
COLLABORATIVE EFFORTS OF CANADA BORDER  
SERVICES AGENCY PERTAINING TO ADMISSIBILITY  
TO CANADA—COMMITTEE AUTHORIZED TO  
REQUEST A GOVERNMENT RESPONSE TO THE  
SIXTEENTH REPORT OF THE COMMITTEE TABLED  
DURING THE SECOND SESSION OF THE  
FORTY-FIRST PARLIAMENT

**Hon. Daniel Lang,** pursuant to notice of November 3, 2016, moved:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the Sixteenth Report of the Standing Senate Committee on National Security and Defence, entitled: *Vigilance, Accountability and Security at Canada’s Borders*, tabled on

June 18, 2015 and adopted in the Senate on June 22, 2015, during the Second Session of the Forty-first Parliament, with the Minister of Public Safety and Emergency Preparedness being identified as minister responsible for responding to the report.

He said: Colleagues, this is a very straightforward motion. Last spring, we tabled in the Senate a report entitled *Vigilance, Accountability and Security at Canada's Borders* from the National Security and Defence Committee. The report was tabled in June 2015 and it was unanimously adopted. However, given that there was an election and prorogation of Parliament, the government requires that the Senate readopt the motion in order for them to respond to it formally.

It's a very important document, colleagues. It's a number of recommendations in respect to our border agency and how it should function and also some recommendations of what could be done in respect to our cross-border responsibilities with the United States primarily.

I would ask that members support this motion because this way the clock will start to tick and the government will respond to this particular document so that we can see whether or not the work that we did over that period of time is going to bear some fruit.

I understand that some of you haven't had the opportunity to see this report, but I'm not asking for acceptance of the report. What I'm asking is that we accept this motion so that the government responds to the motion itself.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

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

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**Tuesday, November 22, 2016**

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