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(HANSARD)

Wednesday, December 7, 2016

The Honourable GEORGE J. FUREY
Speaker

CONTENTS

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THE SENATE

Wednesday, December 7, 2016

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

Prayers.

[Translation]

SENATORS' STATEMENTS

**THE RIGHT HONOURABLE MARTIN BRIAN
MULRONEY, P.C., C.C., G.O.Q.**

CONGRATULATIONS ON INDUCTION AS
COMMANDER OF THE LEGION
OF HONOUR

Hon. Percy Mockler: Honourable senators, on December 6, 2016, a great Quebecer and great Canadian, the Right Honourable Brian Mulroney, was presented the insignia of Commander of the Legion of Honour by the Ambassador of France to Canada.

[English]

Brian Mulroney is the first Canadian Prime Minister to have ever received the prestigious honour from the French government.

[Translation]

The Government of France bestowed its highest honour on Mr. Mulroney in recognition of his “unfailing dedication to the development of France-Canada relations and to the influence of the international Francophonie”.

This honour is well deserved for many reasons. Mr. Mulroney was one of the forces behind the Summit of the Heads of State of La Francophonie, first held in Paris in 1986, where he represented Canada for the first time. At this first summit, he used his talents and his extraordinary skills as a negotiator and orator to convince the 50 heads of state to hold the second summit on Canadian soil, in Quebec City, in 1987.

Closer to home, in 1986 Mr. Mulroney set out on a mission to promote and support New Brunswick's bid to join the Organisation Internationale de la Francophonie as a full-fledged member of La Francophonie, a status that until then was reserved only for French-speaking countries.

Thanks to Mr. Mulroney's skilled diplomacy and perseverance, Premier Richard Hatfield was able to attend the second Summit of the Heads of State in Quebec City, as the official representative of the Province of New Brunswick.

The Acadian people are indebted to Mr. Mulroney for enshrining in the Canadian Constitution the Act Recognizing the Equality of the Two Official Linguistic Communities in New

Brunswick, legislation introduced by my late colleague, Honourable Senator Jean-Maurice Simard.

Colleagues, the “little guy from Baie-Comeau” has been showered with honours lately. In June, the Université de Montréal presented him with an honorary doctorate for his contribution to making Canada a country particularly well suited to the 21st century. He was also made a Companion of the Order of Canada and a Grand Officer of the Ordre national du Québec.

Honourable senators, Atlantic Canada will never forget some of the great achievements of the Mulroney government, including the landmark appointment of the first Acadian Supreme Court justice, Gérard La Forest, a native of the Madawaska-Victoria region.

[English]

NOVA SCOTIA

SOCIAL WORK

Hon. Wanda Thomas Bernard: Honourable senators, I rise today to bring to your attention that on Friday, December 9, 2016, two important milestones in Nova Scotia will be commemorated: the fiftieth anniversary of the Nova Scotia Human Rights Commission and the seventy-fifth anniversary of the Dalhousie University School of Social Work.

The Universal Declaration of Human Rights was signed by United Nations members in 1948, and Canada is among the signing nations. In Nova Scotia, changes began to be made in gender rights and racial segregation, which laid the foundation for the civil rights and women's rights movements there.

In 1962, a special committee was established to look at the rights of racialized peoples, notably the Mi'kmaq and African Nova Scotians, which led to the passing of the first Human Rights Act in 1963.

The Government of Nova Scotia established the Nova Scotia Human Rights Commission in 1967, with the explicit purpose to challenge long-standing patterns of discrimination on racial, religious and ethnic grounds. Since 1981, Nova Scotians have observed the international Human Rights Day on December 10 with partners from various sectors, including education and business.

This year, the Dalhousie University School of Social Work is hosting a special conference to mark the upcoming fiftieth anniversary of the Nova Scotia Human Rights Commission and the seventy-fifth anniversary of the school, celebrating its long-standing commitment to social justice.

Since those early beginnings, human rights legislation has evolved, most notably with more protected grounds included. However, despite 50 years of service, each year there are a number

of cases that the commission sends to a board of inquiry because of a perceived human rights violation. Most individuals who file a human rights complaint do so because they want to see some change in the conditions that led to their complaint. Yet these cases seldom lead to much public awareness, education or systemic change.

This conference, entitled “50 Years of Human Rights in Nova Scotia: Reflecting on the Past and Moving Towards a More Socially Just Society,” will bring together leading human rights professionals, students, advocates and members of the public. They will critically review what has been learned and evaluate how effective Nova Scotia has been in challenging and changing long-standing patterns of discrimination. The conference bridges town and gown to bring greater awareness of human rights cases to the wider community.

I commend the 100 social work graduate students in my course, Anti-Oppressive Social Work in Diverse Communities, for their dedication to this work and their willingness to share their learning with the community in an effort to help us all move towards a more socially just society.

HATE CRIMES AGAINST MUSLIMS

Hon. Salma Ataullahjan: Honourable senators, I came to this country as a young bride to join my husband, who had moved here as a student. In moving to Canada, I joined a population of Canadian Muslims that has existed since the country's formation.

In this global political climate, accounts of hate crimes against Muslims have increased in many Western countries, including Canada. Last month in Edmonton, an elderly male approached two young women wearing hijabs at the University of Alberta, pulled a rope from his pocket and tied a noose before threatening, “This is for you. He then proceeded to sing “O Canada” in front of the two young women.

• (1410)

Last week, Noah, a 15-year-old Muslim boy in Hamilton, was the victim of such an attack, according to his father, with whom I have spoken. Noah was walking home when he was accosted and beaten with a baseball bat. Noah's family believes this crime was motivated by hate, as none of his personal belongings were taken. It will take Noah a year to recover.

Unfortunately, the increase in hate crimes against Muslims is not a surprise to many in the Muslim community. Muslims are often “othered” and their differences only suspiciously tolerated. Muslims exist in a constant state of guilt and suspicion. Muslims are always required to prove that they are the right type of Muslims, that they believe in so-called Canadian values and that they are not extremists.

We need only consider how the Muslim community is treated after a terrorist attack committed by a Muslim. It is the only community that is expected to apologize and defend their religion and community for acts that are committed by only 0.06 per cent

of the Muslim population. This is an unfair responsibility placed on all Muslims. The fact is that terrorists have killed more Muslims in the name of Islam than at any other time in history.

We must stop requiring these explanations, and Muslims must stop offering these explanations. By constantly defending our faith, we Muslims are implying that we carry guilt.

The effects of Islamophobia are especially complex as Islamophobia operates differently across race, socio-economic status and gender. Certain Muslim communities are further marginalized because of race. Some women find their personal choices subjected to racist sentiments, especially those who choose to wear a hijab. Islamophobia must be combatted in all forms, from small statements that make Muslims feel alienated, othered and unwelcome, to violent attacks that some young people experience, which sadly seem to be increasing.

These conversations may be uncomfortable; however, we do not have the liberty of avoiding such discomfort when people are being subjected to anti-Islamic sentiments and people's safety is at risk. I hope that today we can begin an ongoing conversation about how we can move forward. Thank you.

PRINCE EDWARD ISLAND

2016 WORLD SLEDGE HOCKEY CHALLENGE

Hon. Michael Duffy: Colleagues, when it comes to support for our athletes, and all kinds of sport, no province in Canada can beat the athletes and sports fans of Prince Edward Island. This week, Islanders are helping Canada's winter athletes prepare for the 2018 Winter Paralympic Games, which are being staged in Pyeongchang, Korea. Charlottetown is hosting teams from Korea, Norway and the United States in the 2016 World Sledge Hockey Challenge. I am proud to report that team Canada's 19-man roster is led by Paralympic gold medallist Billy Bridges of Summerside. Honourable senators, Billy Bridges is an amazing athlete. Just ask Steve Deveaux, coach of the Cape Breton Sledgehammers. Here is what he told *The Guardian* about Billy Bridges.

Billy Bridges can shoot a puck more than 75 miles per hour with a stick that's about three feet long. Talk about amazing.

High praise indeed. P.E.I. hosted both the 2008 and the 2009 World Sledge Hockey Challenges, and interest in the sport has been growing ever since. We now have teams with exciting names like the Island Ice Breakers and the Cape Breton Sledgehammers that bring this exciting sport to communities across the Maritimes. While the work to grow the sport isn't complete, huge strides have been made in introducing para-sport festivals in Prince Edward Island schools.

I would like to extend my congratulations to the athletes and the countless Island volunteers who give of their time to make this event a huge success. We look forward to cheering them on as they compete in the 2018 Winter Paralympic Games in Korea.

THE FISHERIES BROADCAST

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 11 of our “Telling Our Story.”

Honourable senators, 2016 marks the sixty-fifth anniversary of the oldest daily radio show in Canada, “The Fisheries Broadcast,” and it just happens to be based in Newfoundland and Labrador. It was in March of 1951 that “The Broadcast,” as it is now affectionately called, first went on air in Newfoundland. Originally the program was part of the national CBC network that carried information on the farming and fishery industries. “The Broadcast” offers important and critical information daily on such matters as the marine weather forecast, and it also includes interviews featuring technical and complex regulatory issues of the day.

The program’s broad-based appeal and loyalty are anchored firmly among two types of audience: firstly, the men and women who work directly in the fishing and coastal industries and who depend on the accuracy and timeliness of the daily broadcast; secondly, the listeners, who could be a couple of generations removed from the boat or the plant floor, who still need their daily fix of reality, accent, cadence and fact that are at the heart of life in coastal Newfoundland and Labrador.

The 65 years of this continuous broadcasting have not been without rogue waves and treacherous undercurrents. There was at a time back in the mid-1970s when the words “Fisheries Broadcast” was not permitted on air by the Toronto management of CBC. Former host and author Jim Wellman documents this in his book *Broadcast*:

The National CBC radio network had gone through a major restructuring in the early 1970s. Several current affairs programs were introduced and CBC management in Toronto insisted on having programs all across the country sound alike. The Fishermen’s Broadcast in Newfoundland and Labrador didn’t fit their national vision of afternoon shows. It messed up their tidy little plan of coast-to-coast consistency, so they were eager to make changes.

I am proud to say that the plan by the folks in CBC management in Toronto in the 1970s to try to make us Newfoundlanders and Labradorians sound like the rest of the people in Canada did not work. Due to the program’s significant and historic audience loyalty, the program survives and thrives to this day. For 65 years “The Broadcast” has been bringing the people of my province news and opinions about the anchor of our economy, the fisheries. From stories of successful voyages to devastating tragedies to politicians on the defensive or bearers of good news, from the local weather forecast to the state of the global economy, we have grown up in Newfoundland listening to this unique, amazing program. Whether we dance to the theme song or shake our heads at what we’ve just heard, “The Broadcast” is a unique part of our culture and heritage.

The current host of the show, Jane Adey, is doing a remarkable job. I want to thank the men and women who have and continue to produce and contribute to the longest continuously running radio broadcast in Canada, a radio show that both informs and reflects the daily life in coastal Newfoundland and Labrador, “The Broadcast.”

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw your attention to the presence in the gallery of the Honourable Charles Mayer. He is accompanied by his wife. He is a former minister in the government of the Right Honourable Brian Mulroney.

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

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

STUDY ON THE CURRENT SITUATION INVOLVING THE BOVINE TUBERCULOSIS OUTBREAK IN SOUTHEASTERN ALBERTA

FIFTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the fifth report (interim) of the Standing Senate Committee on Agriculture and Forestry entitled: *Outbreak of Bovine Tuberculosis in Alberta*.

The Chief Veterinary Officer for Canada appeared, and he answered our seven main questions. Therefore, Mr. Leader of the Government, you do not have to answer my questions about this and you can stop researching the subject because we have the answers. If the epidemic has not been cleared up by January, the Senate has given us permission to meet again.

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

[English]

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

SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Michael L. MacDonald: Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on Wednesday, March 9, 2016, and to the order adopted by the Senate on Thursday, November 24, 2016, the Standing Senate Committee on Transport and Communications

deposited with the Clerk of the Senate on Wednesday, December 7, 2016, its sixth report, interim, entitled: *Pipelines for Oil: Protecting our Economy, Respecting our Environment*.

[Translation]

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

[Translation]

- (1420)

THE ESTIMATES, 2016-17

SUPPLEMENTARY ESTIMATES (B)—NINTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Larry W. Smith: Honourable senators, I have the honour to present, in both official languages, the ninth report of the Standing Senate Committee on National Finance entitled: *Final Report on Supplementary Estimates (B), 2016-17*.

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

[English]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON DECEMBER 13, 2016

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, December 13, 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.

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 12, 2016 at 6 p.m.;

That committees of the Senate scheduled to meet on Monday, December 12, 2016 be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended on that day.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators I wish to draw your attention to the presence in the gallery of Mr. Peter Johnston, Grand Chief, Council of Yukon First Nations, and other guests of the Honourable Senator Lang.

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

Hon. Senators: Hear, hear!

BUDGET IMPLEMENTATION BILL, 2016, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures.

(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 at the next sitting of the Senate.)

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL MISSION, MARCH 16-20, 2015—
REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa Parliamentary Association respecting its participation at the Bilateral Mission to the United Republic of Tanzania and the Republic of Mauritius, held in Dar es Salaam, Tanzania, and Port Louis, Mauritius, from March 16 to 20, 2015.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT, MARCH 12-19, 2016—
REPORT TABLED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Bilateral Visit to London, United Kingdom, and Valletta, Malta, from March 12 to 19, 2016.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Gord Kroeker, visiting from Winnipeg. He is the guest of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

[Translation]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE THE COMMITTEE
TO STUDY THE OPERATIONS OF THE FINANCIAL
CONSUMER AGENCY OF CANADA, THE OMBUDSMAN
FOR BANKING SERVICES AND INVESTMENTS, AND
THE ADR CHAMBERS BANKING OMBUDS OFFICE

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

That the Standing Senate Committee on Banking, Trade, and Commerce be authorized to:

- (a) Review the operations of the Financial Consumer Agency of Canada (FCAC), the Ombudsman for Banking Services and Investments (OBSI), and ADR Chambers Banking Ombuds Office (ADRBO);
- (b) Review the agencies' interaction with and respect for provincial jurisdictions;

(c) Review and determine best practices from similar agencies in other jurisdictions;

(d) Provide recommendations to ensure that the FCAC, OBSI, and ADRBO can better protect consumers and respect provincial jurisdiction; and

That the Committee submit its final report no later than May 31, 2017, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[English]

SENATE MODERNIZATION

NOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO EXTEND DATE OF FINAL REPORT

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

That, notwithstanding the order of the Senate adopted on Tuesday, May 17, 2016, the date for the final report of the Special Senate Committee on Modernization in relation to its study of methods to make the Senate more effective within the current constitutional framework be extended from December 15, 2016 to June 30, 2017.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Stanley Anablak, President of the Kitikmeot Inuit Association, Mr. Paul Emingak, Mr. Scott Northey and Mr. Graeme Begg. They are guests of the Honourable Senator Patterson.

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

Hon. Senators: Hear, hear!

• (1430)

[Translation]

QUESTION PERIOD

NATIONAL REVENUE

OVERSEAS TAX EVASION

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Leader, today's *Journal de Montréal* is reporting that in 2015 Canadians

transferred over \$272 billion, nearly the equivalent of the federal government's entire budget, to tax havens like Panama, the Caribbean, and the Republic of Cyprus. It was a record year.

On May 31, 2016, when she appeared before us in the Senate, the Minister of National Revenue, Ms. Lebouthillier, said the following on the topic of tax evasion, and I quote:

In 2016, some things must change . . .

What is more, thanks to the Prime Minister and the government's new way of doing things, we will be able to focus our efforts on results in order to meet our obligations to Canadians.

Can the Leader of the Government tell us what changed in 2016?

[English]

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

I would remind the honourable senator and all senators that in her appearance before this committee, the minister responsible for National Revenue referenced the additional \$444 million of additional resources to deal with exactly this item. That funding has been appropriated in the various instruments of appropriation in the course of the year. I am sure that along with the honourable senator, all senators look to early progress on this important issue.

ENERGY

MORATORIA ON CRUDE OIL TANKERS

Hon. Douglas Black: My question is for the Leader of the Government in the Senate. Senator Harder will know that last week the moratoria on the West Coast of Canada was confirmed. I'm having difficulty understanding a couple of questions and I'm hoping he can enlighten me and this chamber, and indeed the energy industry.

First, what is the extent of the territory covered by the moratoria? Second, what products are to be covered by the moratoria?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. With the importance of tanker moratoria in the context of progress on pipelines, it's a very important and timely question.

As all senators will know, the issue of the moratoria was part of the Minister of Transport's mandate. He has been in contact with the Ministers of Fisheries and Oceans and the Coast Guard and the natural resources, environment and climate change ministries to ensure a coordinated approach. Since the government has taken over, he has also held a number of consultation processes with the provincial government as well as the interested stakeholders.

I would like to confirm that the moratoria will cover the Great Bear Rain Forest, the Great Bear Sea area, an area from the Alaska-B.C. border, down to the point on B.C.'s mainland adjacent to the northern tip of Vancouver Island and includes Haida Gwaii.

The new legislation is expected to be tabled in the spring of next year. It will prohibit oil tankers carrying crude oil as cargo from entering or leaving ports and marine installations in this area.

The moratoria will complement the existing voluntary tanker exclusion zone, which has been in place since 1985. This zone ensures that all loaded oil tankers transiting between Valdez, Alaska, and the U.S. west coast ports transit west of the zone to protect the shoreline in the event of a tanker becoming disabled.

DEMOCRATIC INSTITUTIONS

ELECTORAL REFORM—VALUES-BASED RESEARCH

Hon. David Tkachuk: Senator Harder, on Monday in the other place, the Minister for Democratic Institutions was asked about your government's new initiative, MyDemocracy.ca. She replied:

Mr. Speaker, I appreciate the opportunity to rise on this traditional Algonquin territory to talk about a new initiative we launched this morning. Mydemocracy.ca is a new, engaging initiative that will allow all Canadians to have an opportunity to have a say in this conversation. As of just a few hours ago, over 8,000 unique users have participated in this conversation about the values they find most dear to them . . .

After a follow-up question, she said something interesting:

Research around the world shows, as does the report from the committee, that the best way to have an inclusive and accessible conversation about electoral reform with the citizenry is through a values-based approach.

Senator Harder, as the Leader of the Government in the Senate, do you agree with this value-based approach of the minister?

Hon. Peter Harder (Government Representative in the Senate): I thank Senator Tkachuk for his question. I would merely say that as Leader of the Government in the Senate, it is my job to represent the government, not to take a particular position myself as the Representative of the Government. Of course, I'm happy to convey the position of the Minister of Democratic Institutions and commend it to the Senate.

Senator Tkachuk: It's interesting that the minister described the survey as having a conversation with Canadians about the values they find most dear to them. And then depending on their answer at the end of the survey, according to the values they express they could find themselves categorized; some are guardians, some are challengers, some are pragmatists and others are cooperators.

Senator Harder, would you agree that if we can have a conversation with the people in Canada about their values and then draw conclusions about them to the point where we put them

into categories, we could also have a conversation with people hoping to come to Canada about their values and draw conclusions about where they fit as a result of that conversation?

Senator Harder: I thank the honourable senator for his question. I think it's a jump of logic to move from the reference to the website MyDemocracy.ca to the concerns that he is raising in referencing that some have made with respect to immigrants. I myself would associate my views more closely to Senator Ataullahjan.

TRANSPORTATION

GRAIN REGULATIONS

Hon. Donald Neil Plett: My question is for the Leader of the Government in the Senate. It's timely that I want to ask a question about grain transportation since Minister Mayer is in the gallery today and has been so instrumental in helping us in the Prairies moving our grain, so we appreciate that.

About a month ago, Minister Garneau announced that this federal government will introduce legislation in the spring that will allow reciprocal penalties in service level agreements between railway companies and their customers.

However, in his announcement the minister did not provide much information on another related matter important to Prairie grain farmers — inter-switching distances. Under the previous Conservative governments these limits were increased, much to the delight of the Prairie grain producers. These limits were increased from 30 kilometres to 160 kilometres in the provinces of Alberta, Saskatchewan and Manitoba for all commodities to provide greater rail competition.

Last year, David Emerson's review of the Canadian Transportation Act recommended ending the inter-switching requirements put in place by the previous Conservative government in 2014.

Could the Leader of the Government make inquiries to let us know the minister's views on this point, and does he agree with the Emerson report?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and I'm sure some senators will see the irony of me answering while Charlie Mayer is here and having had association with the minister in previous work that I have done, as I have had with some of the senators asking questions.

Be that as it may, I of course will undertake to answer those important questions and respond as quickly as possible.

NATIONAL REVENUE

OVERSEAS TAX EVASION

Hon. Percy E. Downe: I'd like to follow up on the earlier question about tax evasion and to compliment the government. They have done more to fight overseas tax evasion in the last year

than has been done in the previous 15, and part of that was the \$444.4 million in the budget, the additional hundreds of employees the department is hiring and the targets the minister has identified so we can measure how the department is doing in their commitment versus their actions.

In the past we had lots of words and commitments. We had, for example, then Minister Pierre Blackburn indicating in 2009:

"People realized that it's a question of time before we get them," (. . .) "I tell them," —

If you owe us money — if you're hiding money overseas —

"We'll get you, we'll find you."

• (1440)

Unfortunately, the previous government didn't put any resources in to back up those tough words. They were followed again a few weeks later when the minister called overseas tax evasion a huge problem for this country and vowed that if somebody owed us something, we'll have to get it. This continued with minister after minister. Gail Shea indicated that the department was able to assess more than \$4 billion in tax owed. Unfortunately, they didn't have the resources to collect what was owed, or to charge or fine those people.

So I commend the government on its action.

There is one area where we need further action. A number of years ago, I asked the then-Parliamentary Budget Officer Kevin Page to work with the department to assess the tax gap, the difference between what the government is collecting and what they should be collecting. He indicated he could do that with information provided by the department — information that would not disclose anyone's personal information. The department has refused to do that.

Since the change of government, the department has started a number of tax gap initiatives, but in the overall scheme of things, they're really insignificant. I recently wrote the Clerk of the Privy Council, quoting what the Prime Minister said in the campaign, "transparency and openness," hoping that he would urge the Canada Revenue Agency to get with the program and indicate that they would provide the information the Parliamentary Budget Officer is asking for so that we can identify the size of the tax gap.

It goes back to that \$444 million, which is wonderful, but how does the government know that it's \$444 million that is required? Maybe they require \$600 or \$800 million to get the resources that are owed to Canadians.

I am wondering if you could follow up with the minister responsible for the CRA to see if they will cooperate, provide the information to the Parliamentary Budget Officer, and let that person in his office examine the information and tell Canadians how much is owing.

The second thing — and I'll conclude here — is that the tax gap also measures how efficient the CRA is. This may be at the heart

of the problem because, up until now, they may not have had the resources to do the job.

Hon. Peter Harder (Government Representative in the Senate): Let me thank the honourable senator for his question and for his ongoing diligence in pursuing this issue over the years. I appreciate the comments he has made.

I will indeed inquire directly of the minister and provide the answers I am able to.

PUBLIC SAFETY

GUN VIOLENCE

Hon. Don Meredith: Government Representative in the Senate, yesterday this question would have been raised to the minister with respect to the increase of gun violence in our urban centres and what strategies the government is employing to deal with this problem. We know there has been a 200 per cent increase in gun violence in my city of Toronto alone. Just this year, Ottawa has experienced that as well. Vancouver and Montreal are the same.

I want to know specifically and for the benefit of my colleagues here: What is the government doing with respect to this issue? Families are being destroyed as a result of this. Young lives are being taken. I'd like to know what the government's position is in moving forward with a conscientious strategy in dealing with this problem.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for his ongoing interest in this subject. It is one that not only involves the Minister of Justice but also the Minister of Public Safety, as well as their counterparts in provinces and territories.

This is a subject that is on the agenda of the federal-provincial ministers responsible for justice and former solicitor general functions. I would be happy to report in more detail in response to the question, but I would like to emphasize how important a priority this is for all governments.

[Translation]

ORDERS OF THE DAY

INCOME TAX ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Black, for the third reading of Bill C-2, An Act to amend the Income Tax Act.

Hon. Percy Mockler: Honourable senators, this bill is a very sensitive subject for me. There has been a lot of talk about it, and

we should study it further in order to address the impact it will have on Canadians.

First of all, I want to say that I fully accept the Speaker's ruling on this bill, which affects many people across the country.

Honourable senators, I thank you for giving me this opportunity today to speak to Bill C-2, An Act to amend the Income Tax Act. I would also like to thank Senator Smith, Senator Marshall and Senator Neufeld for their enlightening contributions to the debate, which clearly showed the impact that Bill C-2 will have on Canadians.

[English]

Your Honour, what started not too long ago as "sunny ways" have now become "funny ways."

[Translation]

As Senator Smith, chair of the National Finance Committee, Senator Neufeld and Senator Marshall clearly explained, the Trudeau government broke its promise to help middle-class Canadians and chose instead to give the greatest tax relief to the wealthy.

[English]

Your Honour, I want to share with you that I'm very sensitive to Bill C-2 and Bill C-29. I want to share the fact that, where I come from, I was the son of a single mother, born on welfare. With my first student loan, I put the toilet and running water into the little house where my grandfather, grandmother, sister, mother and I lived.

When I look at Bill C-2, there is no doubt in my mind, with my career of 24 years in another Parliament, that I've always stood up to defend what I have always thought in my heart: Defend the most vulnerable. I cannot be muted when I look at Bill C-2, but as a democrat respecting democracy, I will respect the ruling that Your Honour presented not too long ago.

However, as parliamentarians we need to stand up and defend the most vulnerable.

[Translation]

The members of the Standing Senate Committee on National Finance studied Bill C-2 at length. We were, and still are, alarmed by the calculations presented by the chair of the committee. Common sense would have told us that those who are part of Canada's middle class earn an annual income of between \$45,000 and \$90,000. However, when the Minister of Finance, senior officials, and representatives of various organizations appeared before the committee, no one was able to provide us with a real definition of the middle class. Since we can only work with what we are given, we decided to work with what the government proposed, namely that those whose annual income is between \$45,000 and \$90,000 are part of the middle class.

Those who stand to gain the most tax-wise from Bill C-2 are people with an annual income between \$100,000 and \$200,000, which, in my opinion, is unacceptable. Those whose annual

income is between \$45,000 and \$90,000 benefit a little less, and those whose annual income is less than \$45,000 barely benefit at all.

• (1450)

The idea of growing the middle class, which this government promised to do, sounds a lot like the title of a book that its author forgot to read. That's why I moved a motion in support of Senator Smith's proposed amendment to the bill that would give less to wealthy taxpayers who earn between \$100,000 and \$200,000, more to middle-income Canadians who earn between \$45,000 and \$90,000, and even more to those who earn less than \$45,000 per year.

By targeting hard-working middle-income taxpayers, this amendment will enable Bill C-2 to achieve its objective. That is how we can grow the middle class.

Honourable senators, it would be irresponsible to adopt Bill C-2 as written without this amendment. I am absolutely certain that, if this bill is not amended, it will end up driving Canada and Canadians further into debt, and we will fail to stimulate the economy.

As Senator Smith explained so passionately, the motion I am moving to adopt his amendment will ensure that the bill does not affect revenue. That means future generations, our children and grandchildren, will not have to foot the bill for the benefits now being paid out to the wealthiest class of people in our country. That, to me, is unacceptable.

I realize that the Senate rarely amends a supply bill. The Constitution does not grant us the power to raise taxes or to dip into the public purse to create programs. However, if this amendment is passed, it will result in a tax cut for middle-income Canadians who need it most.

As a parliamentarian, I also understand the limits set by the Honourable Speaker in his ruling, and I accept that. However, this does not prevent the government from taking action. Thanks to Senator Smith's amendment, we have a plan, a road map that clearly shows us how to improve a bad bill, which is our role as parliamentarians and senators, no matter where we live in Canada.

Honourable senators, when we see an injustice — in its current form this bill is far from being fair — as senators, we have the responsibility to urge the government to take action and to help the most vulnerable.

[English]

Although my colleague Senator Bellemare suggested that many of the witnesses were like-minded and supportive of Bill C-2, I would, with the greatest respect for my colleague, disagree with her. I am going to repeat that, honourable senators. Senator Bellemare suggested many of the witnesses were like-minded and supportive of Bill C-2. I do, with the greatest respect, disagree with Senator Bellemare. On Tuesday, October 25, Angella MacEwen, a senior economist with the Canadian Labour Congress, spoke on behalf of her 3.3 million members. She wasted little time telling us what she thought of the bill:

... so the maximum benefit is available to people between \$90,000 and \$200,000. This is arguably a group that doesn't need it and certainly wouldn't be the middle class.

I continue to quote her:

During the last election, the promise was made to lower taxes for the middle class and to pay for that by raising taxes on the wealthiest. The government bill does not fulfill the spirit of this promise.

I could go on and on with the witnesses that came to the table, but I will share with you that David Macdonald, a senior economist for the Canadian Centre for Policy Alternatives, demonstrated how the biggest change in Bill C-2 is concentrated on the top 20 per cent of the population in Canada — this is unacceptable — leaving the bottom 80 per cent with very little change in their after-tax incomes.

Clearly, honourable senators, I can attest to the fact that many presentations were made before the committee that highlighted the shortcomings of Bill C-2 with respect to helping the most vulnerable.

However, at this time, I would like to move outside of the work of the committee and speak briefly to our role as senators. I am a senator from New Brunswick, and I always strive and work hard to make sure that we represent the most vulnerable. I take my role as a regional senator from Atlantic Canada very seriously to the best of my ability. Honourable senators, I find it very troubling that we would be considering a bill that would benefit each of us here in this chamber in such a singular way. Here, I am speaking about the \$800 tax benefit each of us will receive, warranted or not, knowing the shortcomings of this bill. It was highlighted by the chair, Senator Smith, more specifically, when Bill C-2 does not help in any noticeable and tangible way those individuals earning between \$45,000 and \$90,000 a year. It is exactly this group that needs help. It is exactly this group that needs our help as we debate and will move on Bill C-2.

I come from a small community in New Brunswick, a little town of 1,400 people, Saint-Léonard, and I return to this small town every weekend, like many of us do. I like to, in my language, "stay connected" with the people that we represent. As a parliamentarian, I can speak from my own experience. Those individuals who earn between \$45,000 and \$90,000 in my community are some of our highest-income earners. For many small town communities across this beautiful Canada, I expect that the individuals in this income group are the engine of our local economies. So it troubles me very much when they are being shortchanged with Bill C-2, especially in light of the very challenging and complicated social issues that they are often faced with, like poverty and affordable housing.

For example, last week the Canadian Centre for Policy Alternatives released a report about child poverty that I feel I must raise here today to ensure that all senators remember what is being asked of us as parliamentarians; I strongly believe we need to consider all unintended consequences of Bill C-2. It is alarming, honourable senators, when I look at statistics; some 20.5 per cent of children in Nova Scotia live in relative poverty. On Cape Breton Island — and I can also look at parts of New

[Senator Mockler]

Brunswick — an area well known for its majestic beauty and warm and friendly residents, there are poverty rates, in some of the communities, of over 30 per cent.

At the opposite end of the province, Yarmouth —

The Hon. the Speaker: I am sorry to interrupt, but your time has expired. Are you asking for five more minutes?

Senator Mockler: With the indulgence of the senators, I would.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed. Senator Mockler.

• (1500)

Senator Mockler: Thank you, Your Honour.

At the opposite end of the province of Nova Scotia the rate is 30 per cent, and in other small parts of New Brunswick, there is a 41 per cent child poverty rate. Clearly, we have a problem. I understand fully as we continue to study, and I dare say Bill C-2 was not designed to address the problems.

What I don't understand, honourable senators, is why we would pass legislation in this place that we know would make this problem worse. Why would we pass legislation when we know we can implement a very small measure to make the situation better for the most vulnerable?

I would like to bring up another matter in the context of Bill C-2 and Bill C-29, and this is an impact. Honourable senators, I want to commend Senator Pratte.

[Translation]

Senator Pratte's review of the content of Bills C-29 and C-2 was exceptional. These bills will have an impact on Canadians from coast to coast to coast. Senator Pratte, I want to take this opportunity to tell you, as the Brayons and Acadians would say, that you are on the right track.

[English]

There is another aspect of Bill C-2 and Bill C-29 that is very important for all of us, and I will quote this letter I received from Doctors Nova Scotia. I have talked to doctors in New Brunswick and in Western Canada who permitted me to share with you that they are concerned with a piece of this legislation that can and will have an impact on the quality of life of all Canadians. Doctors Nova Scotia said:

I am writing on behalf of the Doctors Nova Scotia to express my grave concerns with respect to the federal proposal to alter access to the small business deduction for

group medical structures being advanced in Bill C-29, *Budget Implementation Act, 2016, No. 2*.

Doctors Nova Scotia — and we can say for all provinces — but Doctors Nova Scotia, and I quote:

... is the oldest medical association in Canada. Its membership represents over 3,500 physicians, including practising and retired physicians, medical students and residents.

The letter continues:

Group medical structures have an important role in health care today.

And we see it especially along the border with the U.S.A.

They are prevalent within Canada's academic health science centres and amongst certain medical specialties.

It is these structures who were formed to deliver provincial health priorities, primarily in the academic health settings such as teaching, medical research, as well as optimizing the delivery of patient care.

Honourable senators, we have challenges, and that is why I will not vote for Bill C-2. I encourage all parliamentarians and senators to take the time and let us continue to study the impact that Bill C-2 will have on the most vulnerable Canadians from coast to coast to coast. Thank you.

[Translation]

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

The Hon. the Speaker: Senator Mockler's time has expired.

[English]

Are you seeking more time, Senator Mockler?

Senator Mockler: One question.

Senator Plett: No.

The Hon. the Speaker: I hear a no. On debate, Senator Tkachuk.

Hon. David Tkachuk: Like many of you, I have sat in this chamber and listened to this debate on Bill C-2 with great interest. I'm going to expand a little bit and follow up on what Senator Mockler talked about a few minutes ago.

In a few short days, we're going to have to vote on this bill, a bill the Trudeau government would like you to believe is all things to all people, the perfect solution that will transform the country by growing the middle class.

Of course this is nonsense. We owe a debt of gratitude to Senator Smith and his colleagues on the National Finance Committee for exposing this charade for what it is.

Imagine, some of the smartest financial — no, some of the smartest Liberal financial analysts in the country who can't seem to cost out this bill or its contribution to the growing deficit; or refusing to confirm if the cost of the bill has been included in the minister's most recent economic update; or a Minister of Finance being incapable of answering the simplest of questions, "How do you define the middle class?"

Can you imagine a Paul Martin, a Michael Wilson, a Jim Flaherty, or a John Manley performing in such a manner?

Honourable senators, we're being played.

The bill ignores the middle class. Instead, every one of the Liberals that voted for this bill in the house will get a bigger tax break than those they are supposedly trying to help. Why are we surprised?

Every honourable senator who votes for this bill is voting to give themselves a larger tax break, two to three times larger than those who are the supposed targets of this bill.

For many of you, this will be a historic vote. Your first Senate vote on an important government bill. So when your grandchildren ask you what was the first thing you did in the Senate, Grandad or Grandma, you can say, "Why, I gave myself a large tax break." Liberal times are good times — for Liberals.

This bill fits in with how the Liberals co-operate, and how they operate. Remember when Justin Trudeau promised to take the Child Tax Benefit from, as he put it, wealthy families, like his, and give it to the middle class? He did take it away from wealthy families, but not from his own. He got taxpayers to pay for his nannies.

He excoriated the Conservative government during the campaign for their lack of openness and transparency, promising Canadians more. Then he redacts the manifest of his vacation holiday flights to remove the name of those nannies we are paying for, and for his in-laws.

Transparency in Liberal parlance also means never showing up to answer questions. The open and transparent Prime Minister missed Question Period 58 per cent of the time during his first year, 36 per cent of the time without any excuse whatsoever. He wasn't travelling; he didn't have a competing obligation. He just didn't feel like showing up.

What about pensions? They say they want to help people with their pensions, and then they cut the TFSA and instead increase the CPP. Those people being forced to pay more into the CPP

won't realize any of the benefits. Who is going to be paying? The middle class.

As Senator Stewart Olsen said on Monday, December 5, 2016, in her fine speech:

For those who will receive the payouts tied to this tax hike, they will have to wait for the far-off-distant future. And these changes, should they still be there at that point, will do nothing to help today's seniors or our workers who are soon to retire.

And she said:

Those who would be the first to benefit are now 16 years old.

This isn't about pensions. This is about taking money from the middle-class taxpayer and using it for their own ends.

Honourable senators, Bill C-2 fits in with this government's pattern of saying they will look after you, but they are really looking after themselves. You can be part of that, or you can assert your independence. Canadians are watching.

Some Hon. Senators: Hear, hear!

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

(On motion of Senator Martin, debate adjourned.)

• (1510)

BUDGET IMPLEMENTATION BILL, 2016, NO. 2

NINTH REPORT OF BANKING, TRADE AND COMMERCE ON SUBJECT MATTER ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Munson, for the adoption of the ninth report of the Standing Senate Committee on Banking, Trade and Commerce (Subject matter of Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures), tabled in the Senate on December 5, 2016.

Hon. Serge Joyal: Honourable senators, I want to propose some reflection before Bill C-29 is sent to committee. I understand that the bill will go to second reading and be sent to committee tomorrow for further discussion.

I have some reflections to share with you because this is a very serious bill. It is a bill to implement certain provisions of the budget tabled in Parliament in March 2016.

The first point I want to submit to you is: Were we founded constitutionally to amend a budget bill of the nature of Bill C-29? That's the first question, before we think of amending that bill, following the interventions yesterday of Senators Massicotte and Pratte and the comment made by Senator Day; I think Senator Smith also spoke on that issue.

My answer to this question is: yes, we can make amendments. The Senate can amend, constitutionally, an act to implement budget measures. This chamber has done it twice, in fact, and it did so in 1993 in a disposition of the budget at that time that was to implement provisions reducing the number of government agencies by eliminating and amalgamating others. I'm looking at Senator Tkachuk on the other side who was appointed in 1993.

It was a famous debate in the chamber whereby the budget of the Mulroney government of the day wanted to merge the Canada Council and the Social Sciences and Humanities Research Council. The argument was to reduce the administrative costs of the agencies by merging those two into one.

The issue was sent to the Finance Committee — the committee was chaired by Senator Finlay MacDonald, a Tory senator — and the committee came back to this chamber with the recommendation that this chamber not proceed with the merger because the two agencies have different mandates and should operate distinctly from one another.

There was a vote and Tory senators voted in support of the report. You didn't vote, Senator Tkachuk, but the majority of Tory senators voted in support of the recommendation of the committee, and this portion of the legislation was deleted. I repeat: Because we discussed independence in this chamber in those days; you know partisanship? Well, this happened with the support of the Tory majority at that time in the chamber. I think it is very important to be reminded of that.

Then there is another precedent I want to submit to you: the Pearson Airport precedent. Maybe it rings a bell in the minds of some of you. Mr. Chrétien had campaigned, as leader of the Liberal Party, that he would rescind the contract of Pearson Airport. That was an electoral promise. You remember what you have been told: never stand in the path of an electoral promise made by a government when the electorate has sanctioned the authorization to do that.

Well, guess what happened? The bill that nullified the Pearson contract contained a disposition preventing the company from suing to get additional damages other than those provided in the act. The Tory majority, of course, voted against the measure, but some Liberal senators voted with the Tory majority, like former Senator Sparrow. It was a tie and the act was defeated according to our Rules as provided in the Constitution. I repeat: an electoral promise in a piece of legislation that was used to deprive a corporation of its right to go to court.

What does this bill that we will be studying next week do? This bill said the banks will have a special kind of system to protect the consumer, but that system will be less strong than what Canadian

consumers enjoy now. What Canadian consumers enjoy now, with regard to the banks, is the right to go to an administrative tribunal to seek redress.

Well, this bill removes that. It deprives Canadians from real recourse to go to court or a quasi-judicial system to protect their rights. Instead, Canadians will go to an ombudsman. I'm looking to my friend, Senator Maltais. The ombudsman was a creation of the 1970s. You remember the first ombudsman, borrowed from the Scandinavian countries. An ombudsman studied a case and made recommendations, but the recommendations were not enforceable. It is as good as the will of those who have the power to give effect, or not. An ombudsman cannot order compensation or damages, either. Well, now, under the various provincial consumer protection acts, consumers can go and have their day in court and get damages.

This bill will deprive Canadians who deal with banks of their right to due process and to seek redress in cases whereby the court would come to the right conclusion. I submit that to you before you embark on the study of Bill C-29. This is a very serious subject.

As we have said, this is an omnibus bill, because this section of the budget has nothing to do with increasing or reducing taxes or voting for additional money for this or that, which we just debated in Bill C-2 with Senator Mockler.

Those provisions deal essentially with the kind of protections that Canadian consumers addressing themselves to banks have under Canadian law. That's essentially the question. That has nothing to do with the supplementary budget that we have here.

That's why what Senator Ringuette introduced earlier on in the sitting today is an important issue to study. Now, what we would do is exclude the protections that Canadians have, and we would give the banks a free ride to do whatever they want regarding the protection of their customers. Meanwhile, we are going to go study them, after that: *ex post facto*.

I won't be there tomorrow when that will be referred to committee, but my suggestion to you, honourable senators, is to delete that portion of the budget estimate. It has nothing to do with the appropriation of funds. It won't reduce by one cent the money needed to fulfill the responsibility of the federal government.

• (1520)

On the other hand, adopting Senator Ringuette's motion would allow us to study this issue and come up with a reasonable proposal. That's why I think that with Bill C-29 we are at a very important crossroads of our responsibility. We have the right to do it. There are precedents, and we have done so across party lines before, in 1993 and in 1996.

Besides that, in depriving Canadians of a legal protection that they have when they deal with a bank, we know about the power of the bank in this country. Fortunately they didn't merge. I say

that because I co-chaired the special report to prevent the merger of the banks.

Ask yourself what would have happened in those days if the banks had been merged in 2008 during the financial crisis. Just imagine. Fortunately we kept the banks within the legal framework that has maintained the sanity of our banking system in Canada.

Honourable senators, I submit to you that by approving this section without the study and debate that Senator Ringuette is proposing, we are not really acting with due respect for our responsibility to bring sober second thought to this issue. It would not prevent the banks from selling their services tomorrow. It won't change the prevailing situation of today. It won't change the government's income, but at least we will have due regard for our responsibility. If we change the system it would be for the best; it won't be for reducing the kinds of protections that customers now have and can access in the present context of the legislation.

Honourable senators, that's the only thing I want to submit to you. We have days ahead of us. We know we have to adopt this bill before the adjournment. I think the wise approach is to stand that clause of the bill, refer it to Senator Ringuette's motion and the committee, as ably chaired by Senator Smith and Senator Day with their experience, and move forward with the adoption of the rest of the bill.

Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and report adopted, on division.)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I move adjournment of the debate in my name, please.

[Senator Joyal]

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

Hon. Senators: Agreed.

(On motion of Senator Hubley, debate adjourned.)

[Translation]

STUDY ON ISSUES RELATED TO THE GOVERNMENT'S CURRENT DEFENCE POLICY REVIEW

SEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Griffin:

That the seventh report of the Standing Senate Committee on National Security and Defence, entitled *UN Deployment: Prioritizing commitments at home and abroad*, deposited with the Clerk of the Senate on November 28, 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 National Defence being identified as minister responsible for responding to the report.

Hon. Claude Carignan (Leader of the Opposition) moved the adoption of the report.

He said: Honourable senators, the National Security and Defence Committee recently tabled its report entitled *UN Deployment: Prioritizing commitments at home and abroad*. The committee raised issues that are of critical importance for Canada, and I sincerely believe that the government needs to take into account our recommendations.

First, I would like to thank and commend my colleagues on the committee and their political staff, as well as the Senate staff, for their hard work in preparing this report. It is important to note that the recommendations were unanimously accepted by the committee. I would like to point out, for the benefit of our new colleagues, that that is how things usually work around here.

I would also like to thank the witnesses who appeared before the committee. This report reflects the testimony that we heard over the past few weeks.

[English]

It is an evidence-based report. It would be unfair to our brave women and men of the Canadian Armed Forces if this report were consigned to a shelf. These recommendations are crucial,

and it is my hope that they will evolve from recommendations to actual decisions.

[Translation]

My colleague, Senator Lang, already presented the recommendations set out in the report. I would like to go over a few of them.

Our committee's first recommendation is that the government seek a national consensus before deploying our armed forces. It is important that Canadians have a clear idea of what is expected of their military personnel in any peacekeeping mission. This includes the size of the mission, the goals, the risks involved, the costs, the rules of engagement and a fixed timeframe for the mission.

We all understand that, in our constitutional system, the decision to deploy our troops is the responsibility of the executive branch. However, I believe that Canadians, through their Parliament, should be consulted any time the members of the Canadian Armed Forces are sent into combat as part of a major deployment. Clearly, a tradition is being established in that regard. The Trudeau government must continue on that path.

[English]

The second recommendation, calling for clearly articulated rules of engagement, is paramount for our fighting forces. We note the lessons of history and mistakes made during previous United Nation-led missions. As the report notes:

The Committee heard that objectives should be realistic, measurable, and include milestones available for public review so that the Canadians can measure success along with a clear exit strategy.

Retired Major-General Lewis MacKenzie testified at our committee and provided valuable advice from his numerous United Nations deployments in previous years. He stated:

... no matter what the UN asks for now, today, particularly in Africa, we do not let them tell us what we need to send.

In addition, I'm pleased that we have devoted a recommendation to calling upon the government to implement UN Security Council Resolution 1325. As the UN Special Adviser on Gender Issues and Advancement of Women notes:

The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

I salute my colleague, Senator Jaffer, whose advocacy on women's issues knows no bounds. She routinely articulates these issues in the committee, and her contributions toward developing this recommendation deserve to be saluted.

• (1530)

[Translation]

In his testimony, Paul LaRose-Edwards of CANADEM told us that, when it comes to the problems experienced by women and children overseas, women have a more intimate understanding of the challenges faced by refugees, displaced people and individuals in crisis. This means that the more women there are at the UN, the better.

When planning to deploy our armed forces, the government and the Defence Staff should take this factor into account and ensure that a maximum number of women are included in our contingent, or in support of it. Several witnesses also noted that, since many Canadian military personnel speak French, Canada could make a very valuable contribution to missions in Africa. However, we must be aware that, if the government decides to deploy our troops to French-speaking Africa, this could put additional pressure on francophone units like the Royal 22nd Regiment and the 5 Brigade. It is imperative that the government take this into account in its planning. Just those units alone will not be able to carry the weight of a major mission that is likely to last several years.

At the same time, we are beginning to recognize the impact of post-traumatic stress. This phenomenon was ignored for many years, but society is starting to become aware of it.

[English]

PTSD is not visible but it is painful. We are learning the lessons of yesteryear, and I'm glad that PTSD awareness is increasing. Measures are being put in place to assist military, police and first responders across the country. Therefore, it is imperative that the government ensure that the women and men returning from peace operations have sufficient supports in place.

[Translation]

When we ask the best and brightest of our youth to serve Canada in dangerous missions, we must ensure that they have all the support they need when they come home. That is the least we can do. Proper support will facilitate their transition to civilian life. Neglecting our veterans would not only be a betrayal of the duty we owe them, but it would also create future problems that will be much harder to manage later on.

When you read the report, you will see that there is a recurring theme in the testimony: peacekeeping missions are not what they used to be. As Senator Lang pointed out in his speech last week, conflicts have become increasingly complex, and front lines are no longer clearly established. In order for Canada to help keep the peace, if that is even possible, the criteria for success must be clear. How can Canada make an effective contribution in such circumstances?

[English]

The answer to that question, as we heard from witnesses, is a myriad approach. Military contributions are essential, but Canada can contribute civilian and police expertise as well. Currently, over two thirds of UN personnel deployed on peace operations are operating in Africa. There is persistent violence,

and political and religious turmoil in many of these locations. The response must involve an array of tools beyond military contribution.

The Canadian Peacekeeping Veterans Association supports Canada becoming a signatory to the UN's Peacekeeping Capability Readiness System. The PCRS goals are as follows: to improve efficiency in the management of commitments; to achieve a greater degree of readiness and predictability through more systems of collaborative approaches between UN HQ and the member states; and, in the longer term, provide a single window for the selection of TCC for deployment.

[Translation]

Dear colleagues, our Armed Forces are certainly in a position to neutralize threats to civilian populations and keep the peace, despite belligerents. However, Canada can also play a leadership role in democratic governance and the implementation of robust electoral and legal systems that promote democracy and the rule of law.

I would go so far as to say that it is our duty to share with other nations our experience and know-how in this regard. In concrete terms, the report recommends creating a peace support operations training centre to assist in training military, police and civilians from troop-contributing countries pre- and post-deployment. This training should be available in Canada and abroad.

[English]

Our report also notes that the United Nations is in need of reform so that it can be more effective in peace support operations and other matters.

The High-Level Independent Panel on Peace Operations, HIPPO, recommends strengthening the UN Secretariat and calls for four areas of improvement: the primacy of politics, responsive operations, stronger partnerships, and a headquarters that is focused on the field and centred on people.

In addition to a reformed UN, we also acknowledged the need to fight corruption. Colin Robertson noted the following:

... the militaries of the 30 countries — almost all developing nations - that provide the most soldiers and police officers to United Nations peacekeeping operations. They observe these militaries are also among those most susceptible to corruption, guilty of abuse and crimes against those they are sent to protect.

This is a tragic reality. It is imperative that any Canadian contribution to UN missions include a force to root out corruption wherever it may exist.

[Translation]

The United Nations is also grappling with the fact that an increasing number of charges are being brought against peacekeepers, including charges of violence and sexual

[Senator Carignan]

misconduct. Such incidents allegedly occurred in the Central African Republic and the Congo. Obviously, this cannot be tolerated. A zero-tolerance policy must be strongly enforced. Major-General Lewis MacKenzie told the committee that Canada can take a leadership role on this issue since we have a national record and reputation for dealing with it.

That's why the committee's final recommendation urged the Government of Canada to work with the UN Secretary-General to define and implement a framework to prosecute sexual exploitation and assault, human trafficking, abuse of minors and prostitution that have occurred during UN peace support operations.

Colleagues, we will soon find out where our troops are being sent. Make no mistake: peacekeeping operations have become perilous, and our soldiers will face grave danger. Lives will very likely be lost. It is therefore essential that Canadians be fully informed about the parameters of this mission.

We must ensure that our troops are properly trained and have the equipment and other resources they need to fulfill their mission and minimize risk. We have to know what kinds of situations our troops are being sent into and what their objectives will be. We have to be able to count on reliable partners on the ground, be it the local government, other countries involved or the United Nations. We must not get involved in a dangerous mission if there is any chance that the support promised to our troops might not materialize at a crucial time. Our contingent has to include civilian support to not only help our troops in their mission, but also lay the foundation for long-term success.

• (1540)

The Senate can attest to the horrors of war. Let us not fool ourselves. There is nothing romantic about the mission our soldiers will be engaged in. The cause is noble, but the danger is real. We have an obligation to ensure that any deployment is done responsibly, that the risks are known, and that the resources for minimizing those risks are available. Anything less is unacceptable. Not a single life can be sacrificed in the name of boosting the government's reputation at home or abroad. Canadians will not stand for it.

I believe that the report of the Standing Senate Committee on National Security and Defence provides the government with excellent guidance and insight as it prepares for our troops' pending mission. Honourable colleagues, I sincerely hope that you will take the time to read it. I also hope that the government's decision makers behind the scenes will be guided by it.

I thank all those who contributed to the drafting of this report and I especially want to thank the chair of the Standing Senate Committee on National Security and Defence, Senator Lang, and the deputy chair, Senator Jaffer.

[English]

Hon. Senators: Hear, hear.

Hon. Don Meredith: Would the honourable senator take a question?

Senator Carignan: Yes.

Senator Meredith: Thank you so much.

Senator, as members of the committee, we heard clearly some of the challenges that our troops will face in this pending mission. And one of the critical things that we heard as well was with respect to sustainable development going forward and the role Canada can play with respect to these zones that we go into in terms of conflict, again, to support those civilians.

Could the honourable senator expand for me on the role Canada should play with respect to development going forward, as we go into these operations?

[Translation]

Senator Carignan: As I said, police officers and civilians, in particular, could help create infrastructure, organizations or institutions that uphold human rights and ensure the rule of law and respect for individual freedoms and rights. We cannot simply impose our values elsewhere, but we can be guided by our good practices, which can be easily exported to countries that are gripped by civil war and turmoil. Canada has all the necessary expertise to help.

My colleague, Senator Forest, who was president of the Union des municipalités du Québec, can attest to that. At the municipal level, we provided training in Africa on municipal democracy and on forming local structures for installing local governments that can manage basic infrastructure. That is the type of expertise that is provided and sustained by the Union des municipalités du Québec. The civilian community has many organizations that can also provide support in situations where peacekeeping is well established.

[English]

Senator Meredith: As a supplementary question, senator, with respect to the role that Canada plays but also the existing relationships with, for example, the African Union, how can that role be expanded in terms of the transfer of support that Canada provides, the expertise, the knowledge that we have and the experts that we can provide to support those nations, especially with respect to Mali on this pending mission. Can you elaborate on that?

[Translation]

Senator Carignan: As I mentioned, Canada has all the expertise needed to provide its support, give advice and conduct training. I believe that the proposed training centre is another useful tool that could be set up to help people and to establish structures that will help maintain peace and the organization of the system. In our study, we often noted the absence of organized structures to ensure that basic public services are maintained and delivered. Canada has all the requisite capabilities to help these communities.

(On motion of Senator Hubley, for Senator Jaffer, debate adjourned.)

THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE* TO ENSURE LEGISLATIVE REPORTS OF SENATE COMMITTEES FOLLOW A TRANSPARENT, COMPREHENSIBLE AND NON-PARTISAN METHODOLOGY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:

That, in order to ensure that legislative reports of Senate committees follow a transparent, comprehensible and non-partisan methodology, the *Rules of the Senate* be amended by replacing rule 12-23(1) by the following:

“Obligation to report bill

12-23. (1) The committee to which a bill has been referred shall report the bill to the Senate. The report shall set out any amendments that the committee is recommending. In addition, the report shall have appended to it the committee’s observations on:

(a) whether the bill generally conforms with the Constitution of Canada, including:

(i) the Canadian Charter of Rights and Freedoms, and

(ii) the division of legislative powers between Parliament and the provincial and territorial legislatures;

(b) whether the bill conforms with treaties and international agreements that Canada has signed or ratified;

(c) whether the bill unduly impinges on any minority or economically disadvantaged groups;

(d) whether the bill has any impact on one or more provinces or territories;

(e) whether the appropriate consultations have been conducted;

(f) whether the bill contains any obvious drafting errors;

(g) all amendments moved but not adopted in the committee, including the text of these amendments; and

(h) any other matter that, in the committee’s opinion, should be brought to the attention of the Senate.”

And on the motion in amendment of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk:

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

1. adding the following new subsection after proposed subsection (c):

“(d) whether the bill has received substantive gender-based analysis;” and

2. by changing the designation for current proposed subsections (d) to (h) to (e) to (i).

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, given that my notes aren’t quite ready, with leave of the Senate, I would like to adjourn the debate in my name for the remainder of my time.

(On motion of Senator Bellemare, debate adjourned.)

• (1550)

MOTION TO AFFECT COMMITTEE MEMBERSHIP FOR
REMAINDER OF CURRENT SESSION OR
UNTIL OCTOBER 31, 2017, WHICHEVER
COMES EARLIER—MOTION AS
MODIFIED ADOPTED

Hon. Claude Carignan (Leader of the Opposition), pursuant to notice of December 6, 2016, moved:

That, except in relation to the Standing Committee on Ethics and Conflict of Interest for Senators, until the end of the current session or October 31, 2017, whichever comes earlier:

1. notwithstanding rules 12-1 and 12-2(3), the current membership of the Committee of Selection be replaced by the Honourable Senators Black, Campbell, Fraser, Frum, Martin, Omidvar, Plett, Pratte, Tardif, and Wells, subject to membership changes being made either under rule 12-5 or under the terms of this order, and, for greater certainty, with the current chair and deputy chair of the Committee of Selection retaining their position if still members of the committee;
2. the number of members of committees provided under rule 12-3(2) be increased by three senators for each committee, with the additional members to be recommended to the Senate by the Committee of Selection;
3. that in recommending additional members to the Senate and any other membership changes for any committee, the Committee of Selection be guided by the following proportions:

- (a) committees that under this order have twelve members, other than the ex officio members, should have a membership of five Conservative

senators, two independent Liberal senators, and five senators who are not members of a recognized party;

- (b) committees that under this order have fifteen members, other than the ex officio members, should have a membership of six Conservative senators, three independent Liberal senators, and six senators who are not members of a recognized party; and
 - (c) committees that under this order have eighteen members, other than the ex officio members, should have a membership of seven Conservative senators, four independent Liberal senators, and seven senators who are not members of a recognized party;
4. notwithstanding rule 12-3(3), and without affecting other ex officio memberships, the Government Representative not be an ex officio member of the Committee of Selection, with the Legislative Deputy to the Government Representative or, in that senator’s absence, the Government Liaison instead being an ex officio member of the Committee of Selection;
 5. the Senate direct all committees that have subcommittees on agenda and procedure — except for the joint committees and any committee that already has a senator who is not a member of a recognized party on that subcommittee — to increase the membership of the subcommittee by one non-voting member who is not a member of a recognized party, with that non-voting member being able to attend and participate in meetings, move motions, count towards quorum, and otherwise exercise and enjoy all the rights and duties of a subcommittee member, except the right to vote;
 6. notwithstanding rule 12-2(3), and without affecting the operation of rule 12-5 in relation to government members, opposition members and members of a recognized party:
 - (a) changes may be made for committee members recognized as belonging to the Independent Senators Group by the Facilitator chosen by that group filing a signed notice to replace the member with another member of the group with the Clerk of the Senate, who shall have the notice recorded in the *Journals of the Senate*; and
 - (b) changes may be made for committee members who are not covered by the provisions of rule 12-5 and who are not recognized as belonging to the Independent Senators Group by the senator who will cease to be a member and the senator who will become a member, and who is also not covered by the provisions of rule 12-5 and not recognized as belonging to the Independent Senators Group, both signing a notice and filing it with the Clerk of the Senate, who shall have the notice recorded in the *Journals of the Senate*; and

7. notwithstanding normal practice, the current chairs and deputy chairs of committee not be replaced in those positions while still members of their committees, provided that this limitation not affect the joint committees; and

That, in relation to the Standing Committee on Ethics and Conflict of Interest for Senators, notwithstanding rule 12-27(1) and subsections 35(1), (4) and (8) of the *Ethics and Conflict of Interest Code for Senators*, until the end of the current session or October 31, 2017, whichever comes earlier:

- A. the committee be composed of two Conservative senators, one independent Liberal senator, and two senators who are not members of a recognized party;
- B. the Conservative senators select the Conservative members to sit on the committee by means of secret ballot;
- C. the independent Liberal senators select the independent Liberal member to sit on the committee by means of a secret ballot;
- D. the senators who are not members of a recognized party select the member who is not a member of a recognized party to sit on the committee by means of a secret ballot;
- E. each of the groups identified in paragraphs B, C and D of this order also select a representative who will move a motion in the Senate without notice that the selected senator or senators from the relevant group be a member or members of the committee, which motion shall be deemed seconded and adopted when moved; and

- F. when a vacancy occurs in the membership of the committee, the replacement member be selected and appointed by the same process used to name the previous member of the committee.

He said: Honourable senators, before moving adoption of the motion, I ask leave of the Senate to make a slight change to the motion.

MOTION IN MODIFICATION

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I move that the motion be amended. I am certain that several senators noticed when they read the motion that it stated “under rule 12-3(2)”, when it should rather state “under rules 12-3(1) and 12-3(2)”.

I ask for leave of the Senate to amend the motion accordingly.

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

Hon. Senators: Agreed.

Senator Carignan: Honourable senators, I move the motion standing in my name. With leave of the Senate, I would like it to be seconded by Senator Day, Senator Harder and Senator McCoy.

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

Hon. Senators: Agreed.

(Motion as amended agreed to.)

(The Senate adjourned until Thursday, December 8, 2016, at 1:30 p.m.)

CONTENTS

Wednesday, December 7, 2016

PAGE	PAGE
SENATORS' STATEMENTS	Commonwealth Parliamentary Association
The Right Honourable Martin Brian Mulroney, P.C., C.C., G.O.Q.	Bilateral Visit, March 12-19, 2016—Report Tabled.
Congratulations on Induction as Commander of the Legion of Honour.	Hon. Elizabeth Hubley 1988
Hon. Percy Mockler 1984	Visitor in the Gallery
Nova Scotia	The Hon. the Speaker 1988
Social Work.	Banking, Trade and Commerce
Hon. Wanda Thomas Bernard 1984	Notice of Motion to authorize the Committee to Study the Operations of the Financial Consumer Agency of Canada, the Ombudsman for Banking Services and Investments, and the ADR Chambers Banking Ombuds Office.
Hate Crimes against Muslims	Hon. Pierrette Ringuette 1988
Hon. Salma Ataullahjan 1985	Senate Modernization
Prince Edward Island	Notice of Motion to Authorize Special Committee to Extend Date of Final Report.
2016 World Sledge Hockey Challenge.	Hon. Tom McInnis 1988
Hon. Michael Duffy 1985	Visitors in the Gallery
The Fisheries Broadcast	The Hon. the Speaker 1988
Hon. Fabian Manning 1986	
Distinguished Visitors in the Gallery	QUESTION PERIOD
The Hon. the Speaker 1986	National Revenue
	Overseas Tax Evasion.
ROUTINE PROCEEDINGS	Hon. Claude Carignan 1988
Study on the Current Situation Involving the Bovine Tuberculosis Outbreak in Southeastern Alberta	Hon. Peter Harder 1989
Fifth Report of Agriculture and Forestry Committee Tabled.	Energy
Hon. Ghislain Maltais 1986	Moratoria on Crude Oil Tankers.
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	Hon. Douglas Black 1989
Sixth Report of Transport and Communications Committee Tabled with Clerk during Adjournment of the Senate.	Hon. Peter Harder 1989
Hon. Michael L. MacDonald 1986	Democratic Institutions
The Estimates, 2016-17	Electoral Reform—Values-Based Research.
Supplementary Estimates (B)—Ninth Report of National Finance Committee Tabled.	Hon. David Tkachuk 1989
Hon. Larry W. Smith 1987	Hon. Peter Harder 1989
The Senate	Transportation
Notice of Motion to Affect Question Period on December 13, 2016.	Grain Regulations.
Hon. Diane Bellemare 1987	Hon. Donald Neil Plett 1990
Adjournment	Hon. Peter Harder 1990
Notice of Motion.	National Revenue
Hon. Diane Bellemare 1987	Overseas Tax Evasion.
Visitors in the Gallery	Hon. Percy E. Downe 1990
The Hon. the Speaker 1987	Hon. Peter Harder 1991
Budget Implementation Bill, 2016, No. 2 (Bill C-29)	Public Safety
First Reading 1987	Gun Violence.
Canada-Africa Parliamentary Association	Hon. Don Meredith 1991
Bilateral Mission, March 16-20, 2015—Report Tabled.	Hon. Peter Harder 1991
Hon. A. Raynell Andreychuk 1988	ORDERS OF THE DAY
	Income Tax Act (Bill C-2)
	Bill to Amend—Third Reading—Debate Continued.
	Hon. Percy Mockler 1991
	Hon. Diane Bellemare 1993
	Hon. David Tkachuk 1993

	PAGE
Budget Implementation Bill, 2016, No. 2 (Bill C-29)	
Ninth Report of Banking, Trade and Commerce on Subject Matter Adopted.	
Hon. Serge Joyal	1994
Constitution Act, 1867 (Bill S-221)	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Elizabeth Hubley	1996
Study on Issues Related to the Government's Current Defence Policy Review	
Seventh Report of National Security and Defence Committee and Request for Government Response—Debate Continued.	
Hon. Claude Carignan	1996

	PAGE
Hon. Don Meredith	1998
The Senate	
Motion to Amend the <i>Rules of the Senate</i> to Ensure Legislative Reports of Senate Committees Follow a Transparent, Comprehensible and Non-Partisan Methodology—Motion in Amendment—Debate Continued.	
Hon. Diane Bellemare.	2000
Motion to Affect Committee Membership for Remainder of Current Session or Until October 31, 2017, whichever Comes Earlier—Motion as Modified Adopted.	
Hon. Claude Carignan	2000
Motion in Modification.	
Hon. Claude Carignan	2001

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